



CRL OP(MD). No.3137 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 26/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.3137 of 2025

Jegatheesan

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Kenikarai Police Station,
Ramanathapuram.
Crime NO.539 of 2024

... Respondent/Complainant

For Petitioner : Mr.V.Velayutham,
Advocate

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

PRAYER :-

For Bail in Crime No.539 of 2024 on the file of the respondent-police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 17.02.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner / Accused No.2 was arrested and remanded to judicial



CRL OP(MD). No.3137 of 2025

custody on 24.10.2024 for the offences punishable under Sections 8(C) r/w 22 (C) and

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25 of NDPS Act, 1985 in Crime No.539 of 2024, on the file of the respondent-Police.

3. The case of the prosecution is that on 24.10.2024, at about 13.30 hours, based on secret information received, the respondent-police waited near Sakkarakkottai waste dump forest and found Accused Nos.1 and 2 were in possession of 100 gms of Methamphetamine. The respondent-police arrested Accused persons and seized the contraband from them. Based on the confession of the Accused No.1, another 200 gms of Methamphetamine was recovered from the house of Accused No.1. Hence, the case.

4. Mr.V.Velayutham, the learned counsel for the petitioner, submits that the petitioner has nothing to do with the alleged offence and that a false case has been foisted against the petitioner. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He further submits that the petitioner has been in judicial custody from 24.10.2024. He further submits that as per the First Information Report, the contraband was recovered only from Accused No.1 and the respondent-Police has not recovered any contraband from Accused No.2 / the petitioner herein. Hence, he prays for granting bail to the petitioner.

5. *Per contra*, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that in this case, 100 gms of



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Methamphetamine was seized from the accused persons on the spot and based on the confession of Accused No.1, 200 gms of Methamphetamine was recovered from the house of Accused No.1. He further submits that there is no previous case pending against the petitioner. Further, he submits that the rigors stated in Section 37 of the NDPS Act would be applicable to this case. He relies upon the judgment of the Hon'ble Supreme Court in *Narcotics Control Bureau v. Mohit Aggarwal*, reported in (2022) 18 SCC 374. The learned Additional Public Prosecutor therefore prays to dismiss this Criminal Original Petition.

6. This Court has considered the submission made on either side and perused the records.

7. A bare perusal of the FIR would show that on 24.10.2024, at about 13.30 hours, based on secret information received, the respondent-police waited near Sakkarakkottai waste dump forest and found Accused Nos.1 and 2 were in possession of contraband. Accused No.1 voluntarily handed over white ziplock cover hidden in his waist band, stating that it was 100 gms of Methamphetamine. Accused No.2 was present at the scene of crime along with Accused No.1. The respondent-police arrested the accused persons and seized the contraband from them. Thereafter, based on the confession of Accused No.1, 200 gms of Methamphetamine was recovered from the house of Accused No.1.



CRL OP(MD). No.3137 of 2025

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8. Considering the fact that though the contraband was physically recovered from Accused No.1, the close presence and association of Accused No.2 raises a strong presumption of culpable mental state and possession. It is pertinent to note that Accused No.2 also failed to give any lawful explanation for his presence or involvement in this situation. Considering the fact that the contraband has been seized from Accused No.1 along with the petitioner on the spot, which is a commercial quantity and in view of the rigour under Section 37 of the NDPS Act, this Court is not inclined to grant bail to the petitioner. It is made clear that the above view is recorded only for the limited purpose of deciding the bail plea alone. The above recording shall not cause prejudice to the petitioner as well as the prosecuting agency.

9. Accordingly, this Criminal Original Petition stands dismissed.

sd/-
26/03/2025

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/04/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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CRL OP(MD). No.3137 of 2025

TO
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1. The Additional District and Sessions Judge/Presiding Officer,
Special Court for EC and NDPS Act Cases, Pudukottai.
2. The Officer incharge,
Central Prison, Madurai.
3. The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.3137 of 2025
Date :26/03/2025

PP/SAR. /30.04.2025/5P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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