



Crl.O.P.(MD) No.3257 of 2025/A3

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 23.04.2025

Pronounced on : 29.04.2025

COROM

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD).Nos.3257, 5741, 4344, 4150 and 3259 of 2025

Suhash

...Petitioner in
Crl.O.P.(MD) No.3257 of 2025/ A3

Subash Chandra Bose @ Subash

...Petitioner in
Crl.O.P.(MD)No.5741 of 2025/ A11

Thiruppathy

...Petitioner in
Crl.O.P.(MD).No.4344 of 2025/ A9

Vidya Sagar

...Petitioner in
Crl.O.P.(MD) No.4150 of 2025/ A2

Chellayya @ Batchala Chellaiyya

...Petitioner in
Crl.O.P.(MD).No.3259 of 2025/ A6

Vs.

The State of Tamil Nadu rep. by
The Inspector of Police,
Kundrakudi Police Station,
Sivagangai District.
(Crime No.112 of 2024)

... Respondent in all cases /
Complainant

COMMON PRAYER :- The Criminal Original Petitions filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail to the petitioners in Crime No.112 of 2024 on the file of the respondent-police.



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For Petitioners in

Crl.O.P.(MD) Nos.3257
& 3259 of 2025

: Mr.A.Ananda Raj,
Advocate

For Petitioner in

Crl.O.P.(MD) No.5741 of 2025 : Mr.K.Sathish Kumar,
Advocate

For Petitioner in

Crl.O.P.(MD).No.4344 of 2025 : Mr.A.Joel Paul Antony,
Advocate

For Petitioner in

Crl.O.P.(MD).No.4150 of 2025 : Mr.A.Umapathi,
Advocate

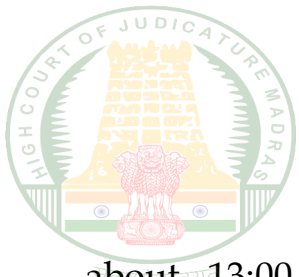
For Respondent in all cases : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

COMMON ORDER : The Court made the following common order :-

These Criminal Original Petitions have been filed by the petitioners on 19.02.2025, 25.03.2025, 06.03.2025, 04.03.2025 and 19.02.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioners in all the cases were arrested and remanded to judicial custody on 07.07.2024, 02.12.2024, 27.08.2024, 09.07.2024, 07.07.2024 respectively for the alleged offences punishable under Sections 8(c) r/w 20(b)(ii)(C), 29(1) and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985, and Section 111 of Bharatiya Nyaya Sanhita (BNS), 2023, in connection with Crime No.112 of 2024 on the file of the respondent-police.

3. The case of the prosecution, as per the final report, is that on 07.07.2024, at



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about 13:00 hours, the Sub-Inspector of Police received credible information regarding illegal activity. Acting upon this information, the police team proceeded to the specified location, where they found a car bearing Registration No. AP-30-AA-2929 with Accused Nos.2 to 6 inside. While enquiring with them, they noticed Accused Nos.9 to 11 standing near a bridge in the vicinity. The respondent-police attempted to apprehend them. However, upon seeing the police, they fled the scene on a two-wheeler without a registration number. During the same incident, Accused Nos. 2 to 6 also escaped from the location using the said car. Accused No.12 fled the scene. A search of the area under the bridge led to the recovery of 61 bundles, which were later confirmed to be ganja. The contraband was seized and weighed in the presence of the Revenue Inspector and the Village Administrative Officer, resulting in the recovery of 122 kilograms of ganja. An alert was issued to the nearest districts, including toll gates. Subsequently, it was learned that the car which had fled from the scene was intercepted near the Samayapuram Toll Gate by the police, and Accused Nos. 2 to 6 were apprehended. At the time of arrest, they were found to be in possession of 2 kilograms of ganja. During the course of the investigation, the involvement of other accused persons came to light. The role of Accused No.13 was revealed based on the confession of Accused No. 9. It was found that Accused No. 13 had met Accused No. 1 and facilitated the identification of buyers for the contraband,



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who were later identified as Accused Nos. 9, 10, and 12. Accused No. 11 was involved in arranging the transport and unloading of the contraband. Further, the confession of Accused No. 13 led to the identification of Accused No. 14, who in turn disclosed the involvement of Accused Nos. 15 to 21. In total, 21 accused persons have been implicated in this case. The petitioners herein have been arrayed as Accused Nos.3, 11, 9, 2, and 6 respectively in this case.

4. The learned counsels for the petitioners in all cases submitted that the petitioners are innocent persons and that they have not committed any offence as alleged by the prosecution. They further submitted that the petitioners have been in judicial custody since 07.07.2024, 02.12.2024, 27.08.2024, 09.07.2024, and 07.07.2024 respectively. The prosecution alleges that a car was intercepted at the Samayapuram Toll Gate, resulting in the seizure of 2 kilograms of ganja, and that 122 kilograms of ganja were also seized from the area under the bridge. They further submitted that there is absolutely no material to establish who actually seized the contraband and who was in possession of the 2 kilograms of ganja at the relevant time and also who was in possession of 122 kilograms of ganja. Moreover, no police officer from the Samayapuram jurisdiction has been examined on the side of the prosecution. Instead, it is merely claimed that the Sivagangai police effected the arrest and the seizure, an allegation not supported by any documentary or material evidence filed along with



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the police report. They further submitted that, except for A2, A3, and A6, i.e., the WEB COPY petitioners in Crl.O.P.(MD) Nos.3257, 4150, and 3259 of 2025, the remaining petitioners have been implicated solely based on the confession statements of co-accused, without any independent recovery of contraband from any of them. They also submitted that the alleged communication between the various accused persons has not been substantiated with any call detail records or other admissible evidence. They however submitted that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court. Accordingly, they prayed to grant bail to the petitioners.

5. Per contra, the learned Additional Public Prosecutor appearing for the respondent-police submitted that A2, A3 and A6 are residents of Andhra Pradesh and were involved in transporting ganja from Andhra Pradesh to Tamil Nadu under the guise of being tourists. He further submitted that A3, along with A11 and A9, smuggled the contraband from Andhra Pradesh to Tamil Nadu in furtherance of a well-planned conspiracy. A2 is also stated to have close contact with all the other accused persons. The trial is currently at its initial stage. This case involves a larger conspiracy with as many as 21 accused persons. As per the prosecution, when some of the accused were about to hand over the contraband to the intended recipients as per their plan, the police intercepted them. Upon noticing the police presence, they



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abandoned the contraband and attempted to flee. However, they were apprehended at the Samayapuram Toll Gate. Based on the disclosure statements of the arrested accused, the involvement of other co-accused came to light during the investigation. Therefore, the learned Additional Public Prosecutor vehemently opposed to grant bail to the petitioners, submitting that if the petitioners are released on bail, the petitioners may abscond, thereby causing delay in the trial proceedings and Accordingly, he prayed for dismissal of the bail petition.

6. Heard on both sides. This Court has perused the records.

7. On perusal of the records, it is revealed that the petitioners/ A2, A3, and A6 had travelled along with A4 and A5 in a car bearing Registration No.AP-30-AA-2929 from Andhra Pradesh. This vehicle was identified by the police at the scene. After the car fled the scene, its registration number was immediately communicated to all toll gates, and the vehicle was ultimately intercepted at the Samayapuram Toll Gate. Though an attempt was made by the defence to cast doubt on the recovery of 2 kilograms of ganja, such contention is not of material consequence, as 122 kilograms of ganja were seized from the location where the said car was first identified. The fact that some of the petitioners were travelling in the vehicle from which the contraband is associated clearly implies knowledge of the contraband, thereby attracting the presumption under Section 35 of the NDPS Act. It is also noted that, although no



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previous criminal cases are pending against A2 and A6 in the State of Tamil Nadu, both accused are residents of Andhra Pradesh. No mandatory procedural violations have been pointed out with respect to these accused. As far as the remaining petitioners, A9 and A11, are concerned, it is alleged that A9 and A11, along with A3, smuggled the contraband from Andhra Pradesh to Tamil Nadu in furtherance of a well-planned conspiracy. There are sufficient materials to connect them with the crime. In view of the serious nature of the offence and the statutory bar under Section 37 of the NDPS Act, it is evident that the twin conditions stipulated therein have not been satisfied. Accordingly, the prayer for bail cannot be entertained at this stage.

7.1. To be noted that the above view is recorded only for the limited purpose of deciding the bail petition. This view will not, in any manner, cause any prejudice to the rights of the petitioners to defend the case during trial.

7.2. In view of the facts and circumstances of the case and the overt acts alleged against the petitioners, this Court is not inclined to grant bail to the petitioners.

8. Accordingly, this Criminal Original Petitions are dismissed.

sd/-

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



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1 THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKKOTTAI.

2 THE OFFICER INCHARGE,
DISTRICT PRISON, RAMANATHAPURAM.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUDUKKOTTAI.

4 THE INSPECTOR OF POLICE,
KUNDRAKUDI POLICE STATION,
SIVAGANGAI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL.OP(MD).Nos.3257, 5741, 4344, 4150 and 3259 of 2025
Date :29/04/2025

SA/SAR. /30.04.2025/8P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.