



CRL OP (MD)No.3596 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/03/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD)No.3596 of 2025

K.Parthiban,
S/o Kali,
1504/1 Kovinthasamy Nagar,
Kilkodungalur,
Kodungalur,
Tiruvannamalai District.

... Petitioner/ Accused No.8

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
PEW Kovilpatti,
Thoothukudi District.
Crime No. 492/2023.

... Respondent/ Complainant

For Petitioner : Mr.Sakthivel.K,
Advocate

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



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PETITION FOR BAIL Under Sec.483 of BNSS, 2023

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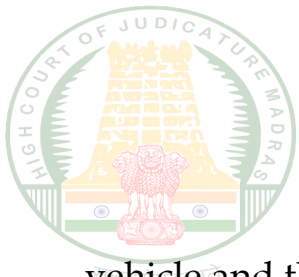
PRAYER :- To release the petitioner/ Accused No.8 on bail in C.C.No.91 of 2024 on the file of the Principal Special Court for EC and NDPS Act cases, Madurai in connection with Crime No.492 of 2023 on the file of the respondent-police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 24.02.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/ Accused No.8 was arrested and remanded to judicial custody on 22.10.2023. The petitioner is facing trial in C.C.No.91 of 2024 on the file of the Principal Special Court for EC and NDPS Act cases, Madurai, for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C), 25 and 29(1) of NDPS Act, 1985, in connection with Crime No.492 of 2023, on the file of the respondent-police.

3. The case of the prosecution is that on 22.08.2023, at about 13.00 hours, based on secret information, the defacto complainant/the Inspector of Police, along with a police team, was on surveillance on the Madurai to Tirunelveli National Highway. At that time, they noticed an Eicher Pro 1110 lorry bearing Registration No. TN-04-R-2585 parked on the side of the highway. Upon searching the vehicle, the respondent-police found that Accused Nos. 1 to 3 were in illegal possession of 634 kgs of ganja in that vehicle. Thereafter, the respondent-police arrested Accused Nos. 1 to 3 on the spot and seized the contraband from them. The petitioner is the owner of the said



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vehicle and therefore has been arrayed as A8. Hence, the case.

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4. Mr.K.Sakthivel, learned counsel appearing for the petitioner, submits that the petitioner has not committed any offence as alleged by the prosecution and that a false case has been foisted against the petitioner. He further submits that the petitioner has been in judicial custody since 22.10.2023 and is ready to abide by any conditions that may be imposed by this Court. He further submits that the main accused persons, viz., Accused Nos. 1 to 3, were arrested on the spot and released on statutory bail. He further submits that the petitioner and Accused Nos.4 and 5 have been in judicial custody and that Accused Nos 6, 7, and 9 to 11 did not appear before the trial Court, and hence, non-bailable warrants were issued against them, and the same are pending. He further submits that this Court, in CrI.O.P. (MD) No. 19436 of 2024, vide order dated 25.11.2024, directed the trial Court to conclude the trial within a period of four months from the date of receipt of a copy of that order. However, there has been no progress till date, and therefore, there is no possibility of concluding the trial within a short span of time. Therefore, he prays to grant bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that totally, 634 kgs of ganja was recovered from Accused Nos.1 to 3 at the spot. He further submits that there are

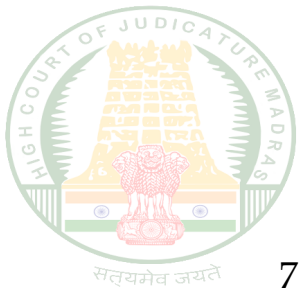


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totally 11 accused persons in this case and based on the confession of the co-accused, the petitioner herein has been arrayed as Accused No.8. He further submits that the petitioner used the sim card belonging to the wife of Accused No.1. He further submits that the petitioner has not satisfied the twin conditions stated under Section 37 of the NDPS Act, 1985. He further submits that the respondent-police is going to take steps to split up the case against Accused Nos.6, 7, 9 to 11. He further submits that there is no previous case pending against the petitioner. He further submits that this is the fourth bail application filed by the petitioner before this Court. He further brings to notice of this Court the earlier order passed by this Court in Crl.O.P.(MD). No.19436 of 2024 dated 25.11.2024. It is apposite to extract Paragraph Nos.6 and 7 of the order.

“6. Taking into consideration the facts and circumstances of the case and the quantity of ganja that has been seized in this case and considering the materials that have now been gathered by the prosecution as against the petitioner prima facie establishes that the vehicle in which the ganja was transported belonged to the petitioner and also considering the fact that there are no statutory violation as per requirement under Section 37 of NDPS Act, this Court is not inclined to enlarge the petitioner on bail.



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7. In the instant case, the final report has already been filed and the case is now pending before the learned Special Principal District Judge for EC and NDPS Act Cases, Madurai in C.C.No.91 of 2024. Hence, it will be more appropriate to direct the concerned Court to proceed further with the trial. If Accused Nos.6, 7, 9 to 11 are not able to be secured within a reasonable time, the case shall be split up and the trial can go on for all other persons, who have suffered incarceration for a long period of time. In any case, the trial shall be conducted on a day to day basis and the same shall be concluded within a period of four months from the date of receipt of a copy of this order and compliance report shall be filed before this Court."

Hence, he prays to dismiss this petition.

6. Heard on both sides. This Court has perused the case file.

7. The petitioner was arrested and remanded to judicial custody on 22.10.2023.

It is seen that Accused Nos.1 to 3 were arrested on the spot and released on statutory bail. It is further seen that Accused Nos.1 to 3 have been regularly appearing before the trial Court. The petitioner has been arrayed as Accused No.8 based on the confession of the co-accused. The petitioner has permanent residence. Therefore, there is less possibility of absconding.



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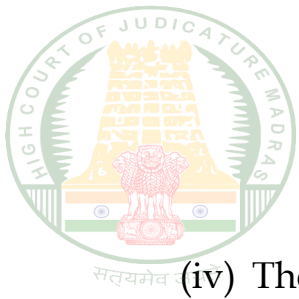
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8. Considering the above, and also considering the period of incarceration and the fact that there is no possibility of concluding the trial within a short span of time, and taking note of the fact that the alleged contraband has been recovered from the co-accused, and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Special Principal District and Sessions Judge for E.C. and NDPS Act Cases, Madurai;

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Special Principal District and Sessions Judge for E.C. and NDPS Act Cases, Madurai, shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish his residential address and mobile number to the learned Special Principal District and Sessions Judge for E.C. and NDPS Act Cases, Madurai;



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(iv) The petitioner shall appear and sign before the learned Special Principal District and Sessions Judge for E.C. and NDPS Act Cases, Madurai, on all working days at 10.30 a.m., and 05.00 p.m., until further orders;

(v) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(vi) The petitioner shall not commit an offence similar to the offence of he is accused, or suspected, of the commission of which he is suspected;

(vii) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(viii) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses; and

(ix) On breach of any of the aforementioned conditions, learned Special Principal District and Sessions Judge for E.C. and NDPS Act Cases, Madurai, is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].



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9. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

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28/03/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG
TO

1 THE SPECIAL PRINCIPAL DISTRICT AND SESSIONS JUDGE
FOR EC AND NDPS ACT CASES,
MADURAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

3 THE INSPECTOR OF POLICE,
PEW KOVILPATTI,
THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.K.SAKTHIVEL, Advocate (SR-3650[I] dated 28/03/2025)

<https://www.mhc.tn.gov.in/judis>



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ORDER
IN
CRL OP(MD) No.3596 of 2025
Date :27/03/2025

SA/SAR. /28.03.2025/9P/6C

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