



CRL.OP(MD).No.3455 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 26.03.2025

Pronounced on : 09.04.2025

COROM

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD).No.3455 of 2025

1.Sathiyamarayanan

2.Hariprasad

...Petitioners/ Accused Nos.15 & 11

Vs.

The State of Tamil Nadu rep. by
The Inspector of Police,
Annamalai Nagar Police Station,
Cuddalore District.
(Crime No.260 of 2024)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail to the petitioners in
Crime No.260 of 2024 on the file of the respondent-police.

For Petitioners : Mr.M.Ragul Kousik,
Advocate.

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

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 20.02.2025
under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to



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grant bail

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2. The petitioners/Accused Nos.15 and 11 were arrested and remanded to judicial custody on 18.11.2024 for the alleged offences punishable under Sections 8(c) r/w 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.260 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that, based on secret information, on 26.11.2024 at 09:00 hours, the defacto complainant, Sub-Inspector of Police, along with his team, proceeded to the Southwest end of Mariyappa Nagar, where they found a suspicious white Volkswagen Car bearing Registration No.AP-31-CA-5786 parked near the railway track. On noticing the police, A1 to A4 attempted to flee from the car. However, they were apprehended by the police. At that time, A1 voluntarily handed over a white gunny bag from the car, which was found to contain 20.300 kilograms of ganja. The contraband and the vehicle were seized from them. A1 later confessed that, on 16.11.2024 at 23:30 hours, Accused A5 to A9 had contacted A1 to A4 and A10 to A15 and conspired to procure ganja from Andhra Pradesh. Based on his confession, the other accused persons have been arrayed as A5 to A15. Hence, the case.

4. Mr.M.Ragul Kousik, the learned counsel for the petitioners, submitted that the petitioners are innocent persons and have not committed any offence as alleged



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by the prosecution. He further submitted that the petitioners have been in judicial custody since 18.11.2024. It was also submitted that the respondent-police, without conducting any proper preliminary enquiry, arrayed the petitioners as A15 and A11 in this case solely based on the confession given by A1, and no contraband was recovered from the petitioners. He however submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Accordingly, he prays to grant bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submitted that the respondent-police seized 20.300 kgs of ganja from A1 to A4. He further submitted that there are totally 15 accused persons in this case, and the petitioners have been arrayed as A15 and A11. He further submits that A1 confessed that on 25.11.2024 at 10:00 hours, A2 received a sum of Rs.5,00,000/- and travelled with A5 to A9 in the white Volkswagen car to Andhra Pradesh, procured the ganja, and returned to Cuddalore. Thereafter, A1 to A4 took custody of the contraband and were waiting for A10 to A15 when the police apprehended them. He further submits that the first petitioner (A15) has 5 previous cases while the second petitioner (A11) has 6 previous cases. He further submits that the police seized 20.300 kgs of ganja from A1 to A4 on the spot, which constitutes a commercial quantity. He further submits that since the petitioners and the other



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accused persons purchased the contraband with a common intention to sell it illegally and earn money and the petitioners have connection with the crime, the recovery of ganja from the other accused person should be taken into account and that the contraband seized from the other accused persons comes within the category of commercial quantity. 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. He further submitted that investigation has not been completed. Therefore, he vehemently opposes to grant bail to the petitioners, stating that if bail is granted, the petitioners may abscond, cause threat to the witnesses, and thereby delay the investigation. Accordingly, he prays to dismiss the petition.

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

7. On perusal of the records, it is revealed that the respondent- police arrested A1 to A4 along with the contraband. Subsequently, A1 confessed that on 16.11.2024 at 23:30 hours, A5 to A9 had contacted A1 to A4 and A10 to A15, and all of them conspired to procure ganja from Andhra Pradesh. Further, the investigation in the case is still pending. The involvement of the petitioners in this case can be ascertained only after the completion of the investigation. The quantity of contraband involved in this case is of a commercial quantity. In view of the above facts and circumstances of



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the case, and also considering the rigours of Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, this Court is not inclined to grant bail to the petitioners.

8. Accordingly, this Criminal Original Petition is dismissed.

sd/-
09/04/2025

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

PAL
TO
1 THE INSPECTOR OF POLICE,
ANNAMALAI NAGAR POLICE STATION,
CUDDALORE DISTRICT.

2 THE SUPERINTENDENT,
CENTRAL PRISON,
CUDDALORE.

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

ORDER
IN
CRL OP(MD) No.3455 of 2025
Date :09/04/2025

SA/SAR. /23.04.2025/5P/4C

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