



CRL OP (MD) No.3863 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.3863 of 2025

Sasikumar

... Petitioner/ A10

Vs

The State of Tamil Nadu
Rep. by the Inspector of Police,
Tenkasi Police Station,
Tenkasi District.
Crime No.582 of 2023

... Respondent/Complainant

For Petitioner : Mr.N.Balasubramanian
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

To enlarge the petitioner / Accused No.10 on bail in C.C.No.170 of 2024 on the file of the I Additional Special Court for Trial of Narcotic Drug and Psychotropic Substances Act cases, Madurai in Crime No.582 of 2023 on the file of the respondent-police.



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ORDER : The Court made the following order :-

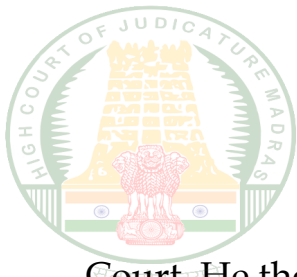
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This Criminal Original Petition has been filed by the petitioner on 26.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/A10 was arrested and remanded to judicial custody on 05.01.2024 for the offences punishable under Sections 8(c) r/w. 20(b)(ii)(C) and 29(1) of NDPS Act in Crime No.582 of 2023 on the file of the respondent-police. The petitioner is facing trial in C.C.No. 170 of 2024 on the file of the I Additional Special Court for Trial of Narcotic Drug and Psychotropic Substances Act cases, Madurai.

3. The case of the prosecution is that based on the secret information, on 29.12.2023 at about 05.30 hours, when the respondent-police were conducting a vehicle check-up near Ayyapuram Junction, they found that A1 to A5 were found in possession of 22 kgs of Ganja in Bolaro Vehicle. Based on their confession, the petitioner herein was arrayed as A10.

4. Mr.N.Balasubramanian, learned counsel appearing for the petitioner, submits that the petitioner is an innocent person, that he 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 05.01.2024 and is ready to abide by any conditions that may be imposed by this



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Court. He therefore prays to grant bail to the petitioner.

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5. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that the contraband recovered from the accused persons is a commercial quantity and that the earlier petition filed by the petitioner was dismissed by this Court vide order dated 15.10.2024 in CrI.O.P. (MD) No.16479 of 2024 with a direction to the Trial Court to dispose of C.C.No.170 of 2024 pending on the file of the I Additional Special Court for Trial of Narcotic Drugs and Psychotropic Substances Act cases, Madurai. He further submits that since the petitioner and the other accused persons purchased the contraband with a common intention to sell it illegally and earn money and the recoveries and seizures arose out of the same course of events and the petitioner has connection with the crime, the recovery of ganja from other accused persons should be taken into account and that the contraband seized from others 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. The learned Additional Public Prosecutor therefore prays to dismiss this Criminal Original Petition.

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



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7. The petitioner was arrested only based on the confession of the co-accused.

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Except the confession, there is no material available on record to show that the petitioner has committed the offence. The submission of the learned Additional Public Prosecutor is that since the petitioner/A10 has a direct connection with the other accused persons with regard to the purchase and transportation of ganja, the recoveries of ganja from the other accused persons should be taken into account. This Court is not inclined to accept the above submission for the reason that no contraband was recovered from the petitioner. Hence, this Court is of the view that the rigors stated in Section 37 of the NDPS Act would not be applicable to the case. To be noted, the above view is recorded only for the purpose of deciding the bail petition. The above view, in any way, would not cause any prejudice to the rights of the prosecution in establishing the case during the trial. The petitioner has been in judicial custody since 05.01.2024. Considering the same and also considering the period of incarceration, 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.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned I Additional Special Judge for Trial of Narcotic Drugs and Psychotropic Substances Act Cases, Madurai;



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(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 I Additional Special Judge for Trial of Narcotic Drugs and Psychotropic Substances 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 I Additional Special Judge for Trial of Narcotic Drugs and Psychotropic Substances Act Cases, Madurai;

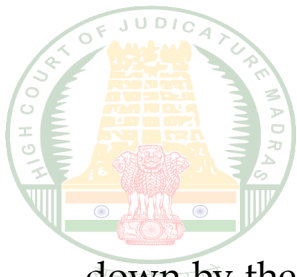
(iv) The petitioner shall appear and sign before learned I Additional Special Judge for Trial of Narcotic Drugs and Psychotropic Substances Act Cases, Madurai, on all working days, at 10.30 am until further orders. Further, the petitioner shall co-operate with trial proceedings.

(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 which 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; and

(viii) On breach of any of the aforementioned conditions, the learned I Additional Special Judge for Trial of Narcotic Drugs and Psychotropic Substances 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



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down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

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

sd/-
04/04/2025

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

TRP

To

1. The Judge,
I Additional Special Court for Trial of
Narcotic Drugs and Psychotropic Substances Act cases,
Madurai.
2. The Superintendent,
Central Prison, Palayamkottai.
3. The Inspector of Police,
Tenkasi Police Station,
Tenkasi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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ORDER
IN
CRL OP(MD) No.3863 of 2025
Date :04/04/2025

MK/SAR /04.04.2025 7P/5C

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