



CRL OP(MD). No.5795 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.5795 of 2025

Baskar

... Petitioner/ Accused No.3

Vs

The State of Tamilnadu,
Rep., By, the Inspector of Police
NIB-CID Police Station, Madurai.
(Crime No. 11 of 2024)

... Respondent/Complainant

For Petitioner : Mr.Senthil Kumar.M.S.,
Advocate

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

PRAYER :-

For Bail in Crime No. 11 of 2024 on the file of the respondent-police.



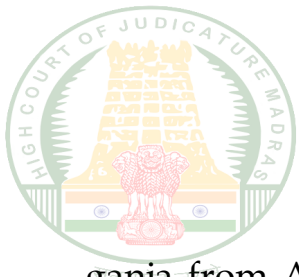
CRL OP(MD). No.5795 of 2025

WEB COPY ORDER: The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 26.03.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner / Accused No.3 was arrested and remanded to judicial custody on 02.08.2024 for the offences punishable under Sections 8 (c) r/w 20(b)(ii) (c), 29(1) and 25 of NDPS Act in Crime No.11 of 2024 on the file of the respondent-Police.

3. The case of the prosecution is that on 01.08.2024, based on secret information, the NIB-CID Q Branch police raided Meenakshi Bhavan Hotel near Chinna Udaippu, and at about 10:30 hrs, intercepted a lorry bearing Reg. No.TN-52-B-4416. Upon inspection, they found 120 kgs of ganja packed in four gunny bags in the lorry cabin and seized the contraband in the presence of Revenue officials. Accused Nos. 1 to 3 were secured and handed over to the respondent-police through a special report. Based on the confession of A1 to A3, Accused No.8 and others were implicated in this case. It was revealed that A1 to A3 had procured the



CRL OP(MD). No.5795 of 2025

WEB COPY

ganja from A10 in Andhra Pradesh, loaded it onto the lorry, and transported it to Madurai. A4 and A5 escorted the lorry in a Baleno car, while A6 and A7 waited in Tirunelveli to receive the contraband. The plan was for A8 and A9 to smuggle the ganja to Sri Lanka via Tiruchendur by boat. The petitioner (A3) was arrested on 02.08.2024. Hence, the case.

4. Mr.M.S.Senthil Kumar, learned counsel appearing for the petitioner, submits that the petitioner did not commit any offence as alleged by the prosecution. He further submits that a false case has been foisted against the petitioner. He further 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 since 02.08.2024. He therefore 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 the petitioner was arrested with contraband at the spot. He further submits that the petitioner has not satisfied the twin conditions stated under Section 37 of the NDPS ACT. He further submits that if the petitioner is released on bail, he may abscond and thereby cause delay the investigation proceedings. Hence, he vehemently opposes to grant bail to



CRL OP(MD). No.5795 of 2025

the petitioner.

WEB COPY

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

7. It is stated that the petitioner was arrested with contraband at the spot. It is stated that the CDR details and all other materials collected by the investigation agency would prima facie show the involvement of the petitioner in the crime. There are sufficient materials available on record to show that the petitioner also involved in the offence. The contraband seized from A1 to A3 is a commercial quantity. Hence, this Court is of the considered view that the petitioner has not satisfied the twin condition stated in Section 37(b)(ii) of the NDPS Act. To be noted, the above view is recorded only for the limited purpose of deciding the bail petition. The above view, in any way, would not cause prejudice to the rights of the petitioner to defend the case during the Trial. Considering the above reasons and also considering the overt act alleged against the petitioner, this Court is not inclined to grant bail to the petitioner.



CRL OP(MD). No.5795 of 2025

WEB COPY

8. Accordingly, this Criminal Original Petition stands dismissed.

sd/-
22/04/2025

/ TRUE COPY /

/05/2025

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

TSG

TO

1.THE INSPECTOR OF POLICE
NIB-CID POLICE STATION, MADURAI.

2. THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.

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

ORDER
IN

CRL OP(MD) No.5795 of 2025
Date :22/04/2025

VN/16.05.2025 5P/4C

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