



CRL OP (MD) No.3660 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.3660 of 2025

Anand

... Petitioner/ A1

Vs

The Inspector of Police,
PEW Police Station,
Madurai City.
Crime No.1 of 2025

... Respondent/Complainant

For Petitioner : Mr.V.Kathirvelu, Senior Advocate
for Mr.K.Prabhu, Advocate
For Respondent : Mr.R.Meenakshi Sundaram
Additional Public PROsecutor

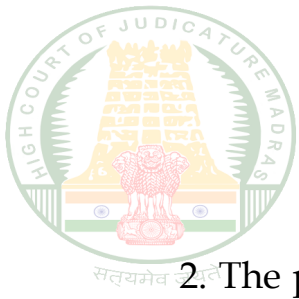
PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.1 of 2025 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 the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.



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2. The petitioner/Accused No.1 was arrested and remanded to judicial custody on 01.01.2025 for the offences punishable under Sections 8(c) r/w 22(b), 25, 29(1) of NDPS Act, in Crime No.1 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 01.01.2025 at about 08.15 hours, based on the secret information received, the respondent- police along with his team, went to conduct a raid near Pandian Nagar Junction at Theppakulam, Madurai District. At the time, the petitioner/A1 was in possession of 28 grams of Methamphetamine in an Innova car bearing Registration No.TN-01-AQ-6102. The police arrested the petitioner/A1 and seized the Methamphetamine. Hence, the case.

4. Mr.V.Kathirvelu, learned Senior Counsel representing Mr.K.Prabhu, the learned counsel for the petitioner, submits that the petitioner has nothing to do with the alleged offence and that a false case has been foisted against the petitioner. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He further submits that the quantity of methamphetamine in the possession of the petitioner/A1 is less than the commercial quantity. He further submits that the petitioner has been in judicial custody from 01.01.2025 onwards. Hence, he prays for granting bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that when the vehicle check-up was



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conducted by the respondent-police, the petitioner was found in possession of 28 grams of methamphetamine. Thereafter, the petitioner was arrested, and a case was registered. He further submits that based on the information given by the petitioner/A1, the respondent-police arrested the other accused persons and recovered 28 grams of methamphetamine from them. Hence, the petitioner and the other accused persons purchased the contraband with a common intention to sell it illegally and earn money. Therefore, the total contraband seized from the 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.

6. This Court has considered the submission made on either side.

7. A bare perusal of the FIR would show that on 01.01.2025, the respondent-police intercepted the Innova car of the petitioner and seized 28 grams of methamphetamine, which is admittedly an intermediate quantity. The submission of the learned Additional Public Prosecutor is that the further recovery of methamphetamine from the co-accused persons should be taken into account while deciding whether the contraband constitutes a commercial quantity or not. This Court is not inclined to accept the above submission for the reason that there is no



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mention of the quantity of contraband allegedly possessed by the co-accused persons.

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The seizure was also not made at the same time. Hence, this Court is of the view that the quantity is intermediate, and 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 prejudice to the rights of the prosecution in establishing the case during the trial.

8. Considering the above, and also considering the facts that the petitioner has permanent residence, and therefore, there is less possibility of absconding, and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of bail to the petitioner, however, 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 Principal Special Judge, Special Court for Trial 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 the learned Principal Special Judge, Special Court for Trial and



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NDPS Act Cases, Madurai, shall obtain a copy of any one of identity proofs to ensure their identity;

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

(iv) 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;

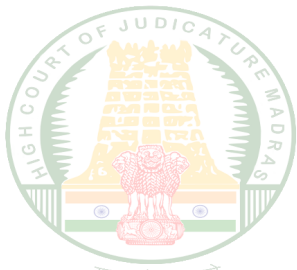
(v) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

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

(vii) The petitioner shall furnish his residential address and mobile number to the learned Principal Special Judge, Special Court for Trial and NDPS Act Cases, Madurai;

(viii) The petitioner shall appear and sign before the respondent-Police daily at 10:00 a.m., until further orders; and

(ix) On breach of any of the aforementioned conditions, the learned Principal Special Judge, Special Court for Trial and NDPS Act Cases, Madurai, is entitled to



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pass appropriate orders against the petitioner in accordance with law as if the
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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].

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

sd/-

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14/03/2025

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

Rmk

TO

1 THE JUDGE,
PRINCIPAL SPECIAL COURT FOR TRIAL OF NDPS ACT CASES,
MADURAI.

2 THE INSPECTOR OF POLICE,
PEW POLICE STATION,
MADURAI CITY,

3 THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.

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

+1 CC to M/s.K.PRABHU, Advocate (SR-2635[I] dated 11/03/2025)
<https://www.mhc.tn.gov.in/judis>



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ORDER

IN

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Date :11/03/2025

RS/IT/SAR-(14.03.2025) 7P 6C

Madurai Bench of Madras High Court is issuing
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