



CRL.OP (MD) No.4526 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 04.04.2025

Pronounced on : 09.04.2025

COROM

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP (MD) No.4526 of 2025

A.Ajithkumar

... Petitioner / Accused No.5

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
NIB-CID,
Trichy District.
(Crime No.17 of 2023)

... 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 petitioner in C.C.No.61 of 2024 on the file of the learned Additional District Judge, Special Court for Trial of NDPS Act Cases, Pudukkottai in connection with Crime No.17 of 2023 on the file of the respondent-police.

For Petitioner : M/s.P.Krishnaveni,
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 petitioner on 07.03.2025



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under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/Accused No.5 was arrested and remanded to judicial custody on 27.12.2023 for the alleged offences punishable under Sections 8(c) and 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.17 of 2023 on the file of the respondent-police. After investigation, the charge sheet has been filed and the same was taken on file by the learned Additional District Judge, Special Court for Trial of NDPS Act Cases, Pudukkottai in C.C.No.61 of 2024.

3. The case of the prosecution is that, on 05.12.2023, at about 08:00 a.m., the defacto complainant, the Inspector of Police, along with his team, was conducting an inspection at Trichy Railway Station to ascertain whether any ganja was being transported in the Howrah Express. At that time, while the respondent-police were conducting checks on the 4th and 5th platforms, Accused Nos.1 and 2 were found behaving in a suspicious manner. On seeing the police, A2, after handing over a shoulder bag to A1, fled from the spot. A1 was apprehended, and upon enquiry, it was found that they were in possession of 20.780 kgs of ganja. A1 gave a confession statement stating that two other accused persons were waiting outside in a car. Based



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on this information, the respondent-police went outside and arrested A3. Another accused person, who was in the car bearing Registration No.TN-55-BW-9597, escaped from the scene by driving the car away. A3, in his confession statement, stated that the said vehicle belonged to A4 and was being driven by the petitioner (A5). On further enquiry, it was revealed that the accused persons had purchased the ganja from Andhra Pradesh and transported it by train. The petitioner (A5) was subsequently arrested. Hence, the case.

4. M/s.P.Krishnaveni, learned counsel for the petitioner, submitted that the petitioner is an innocent person and has not committed any offence as alleged by the prosecution. She further submitted that the petitioner (A5) has been in judicial custody since 27.12.2023, that no contraband was recovered from the petitioner (A5), and that he is merely a friend of A3. She submitted that the respondent-police, without conducting a proper preliminary enquiry, arrayed the petitioner as A5 solely based on the confession statement given by A3. She further submitted that A3 was granted bail by this Court in CrI.O.P.(MD) No. 2470 of 2025, vide order dated 26.02.2025. She also submitted that the investigation has been completed and the charge sheet has been filed in C.C.No.61 of 2024 before the learned Additional District Judge, Special Court for Trial of NDPS Act Cases, Pudukkottai. She, however,



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submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Accordingly, she 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, after complying with the provisions of the Act and Rules, seized 20.780 kgs of ganja from A1, which constitutes a commercial quantity. Therefore, the petitioner has not satisfied the twin conditions stipulated under Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985. He further submitted that there are 21 previous cases pending against the petitioner. He also produced, before this Court, the call detail records and information regarding the money transactions between the accused persons. Accordingly, he vehemently opposes to grant bail to the petitioner, stating that if bail is granted, the petitioner may abscond and thereby delay the trial proceedings. Accordingly, he prays to dismiss the petition.

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

7. A perusal of the records, including the Call Detail Record (CDR), would show that the petitioner (A5) contacted A3, who is, according to the petitioner, his friend, only three times during the month of December 2022. Apart from that, there is



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no evidence of any contact between them, even on the date of the alleged occurrence.

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A further perusal of the records reveals that there are no other materials available against the petitioner, except the confession of a co-accused (A3). In the absence of any material connecting the petitioner (A5) with the alleged offence, it cannot be stated that the rigors stated in Section 37 of the NDPS Act would be applicable to the petitioner. Therefore, this Court is of the opinion that further custody of the petitioner is not necessary in this case. It is to be noted that the above view is recorded only for the limited purpose of deciding this bail petition. This view, in any way, would not cause any prejudice to the rights of the prosecution in establishing its case during the trial. Considering the above and also considering the fact that after investigation, the charge sheet has been filed and the same was taken on file by the learned Additional District Judge, Special Court for Trial of NDPS Act Cases, Pudukkottai in C.C.No.61 of 2024, 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 (*)Additional District Judge, Special Court for Trial of NDPS Act Cases, Pudukkottai.



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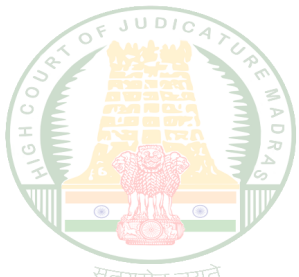
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned (*)Additional District Judge, Special Court for Trial of NDPS Act Cases, Pudukkottai shall obtain a copy of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

(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 appear and sign before the learned (*)Additional District Judge, Special Court for Trial of NDPS Act Cases, Pudukkottai on all



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working days at 10.30 a.m. until further orders.

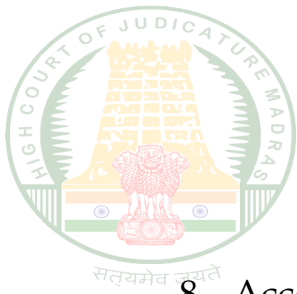
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(vii) The petitioner shall not leave Tamil Nadu without prior permission of the Trial Court.

(viii) The petitioner shall appear on all hearing dates and co-operate with the Trial Court for speedy disposal of the case.

(ix) The petitioner shall furnish his residential address and mobile number to the concerned (*)Additional District Judge, Special Court for Trial of NDPS Act Cases, Pudukkottai.

(x) On breach of any of the aforementioned conditions, the learned (*)Additional District Judge, Special Court for Trial of NDPS Act Cases, Pudukkottai 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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8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
09/04/2025

(*)Corrected as per Order of this Hon'ble Court
dt.16/04/2025 in CrI.OP(MD).4526/2025.

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17/04/2025
Sub-Assistant Registrar
(C.S.I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO BE SUBSTITUTED WITH THE ORDER DT.09/04/2025 IS ALREADY
DESPATCHED
TO

- 1 THE PRINCIPAL SPECIAL JUDGE
FOR TRIAL OF NDPS ACT CASES, MADURAI.
- 2 THE ADDITIONAL DISTRICT JUDGE,
SPECIAL COURT FOR TRIAL OF NDPS ACT CASES,
PUDUKKOTTAI
- 3 THE INSPECTOR OF POLICE,
NIB CID,
TRICHY DISTRICT.
- 4 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.P.KRISHNAVENI, Advocate (SR-4145[I] dated 09/04/2025)

ORDER

IN

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Date :09/04/2025

SS/SAR- /09/04/2025/ 9P/6C

TRP

SA/SAR. /17.04.2025/9P/7C

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