



CRL OP (MD) No.4203 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/03/2025

PRESENT

THE HONOURABLE **MR.JUSTICE R.SAKTHIVEL**

CRL OP (MD) No.4203 of 2025

M.Suresh

... Petitioner/ A4

Vs

The State of Tamil Nadu,
Rep. by The Inspector of Police,
PEW Madurai City,
Madurai.
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.



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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 04.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/Accused No.4 voluntarily surrendered and was remanded to judicial custody on 28.01.2025 for the offences punishable under Sections 8(c), 22(b), 25 and 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985, 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 secret information received, the respondent-police, along with his team, went to conduct a raid near Pandian Nagar Junction at Theppakulam, Madurai District. At that time, they found that A1 was in possession of 28 grams of Methamphetamine in an Innova Car bearing Registration No.TN-01-AQ-6102. The police arrested A1 and seized the Methamphetamine. Based on A1's confession, other accused persons, including the present petitioner, have been arrayed as accused. The further case of the prosecution is that in this case, 27 grams of Methamphetamine have been seized from the other accused. Hence, the case.



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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 further submits that the petitioner/A4 was alleged to be the user of the contraband and not in possession of any contraband. He also submits that there is no allegation that the petitioner/A4 was in possession of any contraband and that no recovery of contraband was made from the petitioner/A4. However, he submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. He further submits that the petitioner has been in judicial custody since 28.01.2025. Hence, he prays for the granting of 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 conducted by the respondent-police, A1 was found in possession of 28 grams of methamphetamine. Thereafter, A1 was arrested, and a case was registered. He further submits that based on the information given by A1, the respondent-police other accused persons and recovered 27 grams of methamphetamine from them. The petitioner has voluntarily surrendered. He further submits that the petitioner and the



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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 A1 and seized 28 grams of methamphetamine from him. The submission of the learned Additional Public Prosecutor is that the petitioner/A4, along with the other accused persons, purchased the methamphetamine for the purpose of selling it, and therefore, the recovery of methamphetamine from the co-accused persons, including A1, should be taken into account, and the contraband recovered from them (28 gram + 27 grams) constitutes a commercial quantity. This Court is not inclined to accept the above submission for the reason that the petitioner has voluntarily surrendered and no recovery of methamphetamine was made from him. Hence, this Court is of the view that the



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rigors stated in Section 37 of the NDPS Act would not be applicable to the present petitioner's case. It is to be noted that the above view is recorded solely for the purpose of deciding the bail petition. This view, in no way, would prejudice 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 Judicial Magistrate No.I, 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 learned Judicial Magistrate No.I, Madurai, shall obtain a copy of any one of identity proofs to ensure their identity;



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(iii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.I, Madurai;

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

(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 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;

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



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(ix) On breach of any of the aforementioned conditions, learned Judicial Magistrate No.I, 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 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/-
13/03/2025

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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.

JEN

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI.
- 3 THE INSPECTOR OF POLICE,
PEW MADURAI CITY,
MADURAI.



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4 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.

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

+1 CC to M/s.M.VINOTH KUMAR, Advocate (SR-2807[I] dated 14/03/2025)

ORDER
IN
CRL OP(MD) No.4203 of 2025
Date :13/03/2025

SS/SAR- /14/03/2025/ 8P/7C

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