



CRL OP (MD) No.4356 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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D.Edison

... Petitioner/ Accused (rank not known)

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
PEW-Melur Police Station,
Madurai District.
Crime No.569 of 2024

... Respondent/Complainant

For Petitioner : Mr.I.Pinaygash

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For bail in Crime No.569 of 2024 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 06.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/accused rank not known was arrested and remanded to judicial custody on 07.02.2025 for the alleged offences punishable under Sections 8(c), 20(b)(ii)(C), 25 and 29(1) of NDPS Act, 1985, in Crime No.569 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that, on 15.10.2024, at about 07:00 p.m., based on secret information, the respondent-police went to the location and found that A1 (owner-cum-driver) was coming in an Ashok Leyland lorry bearing Registration No.TN-64-AA-0127. Upon conducting a search, the respondent-police found that A1 was in illegal possession of 85 kg of ganja. The respondent-police seized the contraband and took samples as per procedure. Based on the confession of A1, the petitioner has been arrayed as A6. Hence the case.

4. Mr.I.Pinaygash, the learned counsel appearing for the petitioner, submits that



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the petitioner did not commit any offence as alleged by the prosecution and has been falsely implicated in this case. He further submits that the petitioner had no *mens rea* to commit the offence and that he only designed the toolbox as requested by A1. He also submits that, except for the said act, the petitioner was not involved in any alleged offence. He further submits that the petitioner has been in judicial custody since 07.02.2025 and that he has four female children. He further submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. *Per contra*, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that the respondent-police collected some incriminating materials against the petitioner, and hence, he has been arrayed as A6. He further submits that the petitioner made alterations to the lorry to enable A1 to smuggle ganja in a concealed manner. Accordingly, he submits that the petitioner had *mens rea* to commit the offence, and in view of Sections 35 and 37 of the NDPS Act, the petitioner is not entitled to bail at this stage of the investigation. Accordingly, he 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 on 07.02.2025 and has been in judicial custody since then. In view of the allegations levelled against the petitioner, this Court is of the view that the petitioner has established a *prima facie* case for the grant of bail, and therefore, further custody of the petitioner is not necessary in this case. The petitioner has four female children and a permanent residence with deep roots in society, and therefore, there is less possibility of absconding. It is also noted that the petitioner has no previous cases. Considering the totality of circumstances, 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 Judge, Principal Special Court for Trial of 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 learned Judge, Principal Special Court for Trial of 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 which 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 also not directly or indirectly cause any threat to the witnesses and general public;

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

(viii) The petitioner shall appear and sign before the respondent-police weekly twice i.e., on every Monday and Friday at 10.00 a.m., until further orders; and



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(ix) On breach of any of the aforementioned conditions, the learned Judge, Principal Special Court for Trial of NDPS 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 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/-
19/03/2025

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19/03/2025
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

MBI

TO

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

2 THE INSPECTOR OF POLICE,
PEW MELUR POLICE STATION,
MADURAI DISTRICT.



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3 THE OFFICER INCHARGE,
DISTRICT JAIL, VIRUDHUNAGAR.

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

+1 CC to M/s.I.PINAYGASH, Advocate (SR-3092[I] dated 19/03/2025)

ORDER
IN

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Date :19/03/2025

SS/SAR- /19/03/2025/ 7P/6C

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