



CRL.OP (MD) No.4762 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 23.04.2025

Pronounced on : 29.04.2025

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THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP (MD) No.4762 of 2025

Kalimuthu @ Vellai Kali

... Petitioner / Accused No.8

Vs.

The State represented by
The Sub-Inspector of Police,
Anna Nagar Police Station,
Madurai City.
(Crime No.451 of 2024)

... 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 the case in C.C.No.8 of 2025 pending on the file of the I Additional NDPS Court, Madurai, in connection with Crime No.451 of 2024 on the file of the respondent-police.

For Petitioner : Mr.S.Kasirajan,
Advocate.

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

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 12.03.2025



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

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2. The petitioner/ Accused No.8 was arrested and remanded to judicial custody on 20.08.2024 for the alleged offences punishable under Sections 8(c) read with 20(b) (ii)(C), 25, and 29(i) of the Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.451 of 2024 on the file of the respondent-police. After investigation, the charge sheet has been filed and the same was taken on file by the I Additional NDPS Court, Madurai in C.C.No.8 of 2025.

3. The case of the prosecution is that on 10.07.2024, at 07:40 p.m., the defacto complainant, a Sub-Inspector of Police, along with his team, was surveilling near Bhurndha Nagar Granite Quarry. They found that seven accused persons were trafficking 21 kg of ganja on three two-wheelers bearing Registration Nos.TN-64-X0078, TN-59-CH-3195, and TN-64-P-3372. The police arrested the accused and seized the ganja. Based on the confession of A1, the petitioner has been arrayed as A8 and arrested on 20.08.2024.

4. Mr.S.Kasirajan, learned counsel appearing for the petitioner, submitted that the petitioner is an innocent person and that he has not committed any offence as alleged by the prosecution. He further submitted that, based on the confession said to have been given by A1, the petitioner herein has been arrayed as an accused, and that

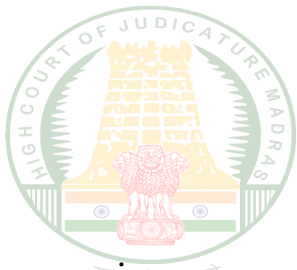


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except for the said confession, there are no other materials available in this case against the petitioner. He also submitted that the investigation has been completed and the charge sheet has been filed in C.C.No.8 of 2025 before the I Additional NDPS Court, Madurai. He further submitted that in this case, charges were framed on 20.02.2025 and the case is posted for the examination of witnesses and, therefore, there is no possibility of the trial being completed in the near future. He also submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Accordingly, he 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 there are sufficient materials to show that the petitioner has committed the offence. He further submitted that nearly 24 previous cases are pending against the petitioner including NDPS cases. He further submitted that since the respondent-police seized 21 kgs. of ganja, which is a commercial quantity, the petitioner has not satisfied the twin conditions stipulated in Section 37 of the NDPS Act. He further submitted that the case is posted for the examination of the witnesses and the trial will be concluded within a short period of time. He further submitted that the petitioner was lodged in the Central Prison, Coimbatore, along with A1 prior to the commission of the said crime, which indicates that the conspiracy was hatched in concert with all the accused persons, and that the



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crime was committed as a result of their joint participation. He further submits that if the bail is granted to the petitioner, the petitioner may abscond and thereby delay the trial proceedings. Accordingly, he strongly opposes to grant bail to the petitioner.

6. Heard on both sides and perused the records.

7. The earlier bail application in Crl.O.P(MD).No.528 of 2025 was dismissed as withdrawn on 10.02.2025. A perusal of the records reveals that there is sufficient material on record to establish that A1 and the petitioner conspired together while they were confined in the Central Prison at Coimbatore, to sell ganja through A9, the brother-in-law of the petitioner. Under these circumstances, the petitioner was transferred from the Central Prison at Coimbatore to the Central Prison at Vellore on 21.11.2023. The above facts indicate the involvement of the accused in a conspiracy attracting Section 29 of the NDPS Act. It is also learnt that the contraband seized in the present case is a commercial quantity under the provisions of the NDPS Act. Hence, the rigors stated in Section 37 of the NDPS Act would be applicable to the present case. 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. In view of the facts and circumstances of the case, the nature of the offence allegedly committed by the petitioner, and considering the quantity of contraband involved in the case, which



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constitutes a commercial quantity, this Court is not inclined to grant bail to the
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petitioner.

8. Accordingly, this Criminal Original Petition is dismissed.

sd/-
29/04/2025

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30/04/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

PAL
TO
1 THE I ADDITIONAL NDPS JUDGE,
MADURAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI.

3 THE SUB-INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION,
MADURAI CITY.

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

ORDER
IN
CRL OP(MD) No.4762 of 2025
Date :29/04/2025

SA/SAR. /30.04.2025/5P/5C

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