

CRL.OP (MD) No.5172 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.5172 of 2025

Venkatram

... Petitioner / Accused No.4

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 pending on the file of the Principal 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 : Mr.M.Dinesh Hari Sudarsan,
Advocate.

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



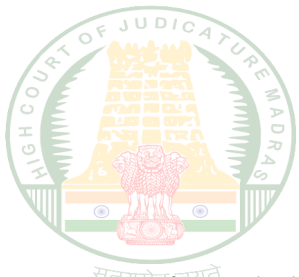
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ORDER : The Court made the following order :-
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This Criminal Original Petition has been filed by the petitioner on 18.03.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail.

2. The petitioner/Accused no.4 was arrested and remanded to judicial custody on 05.01.2024 for the alleged offences punishable under Sections 8(c) r/w 20(b)(ii)(C), 25 and 29(1) 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 Principal 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

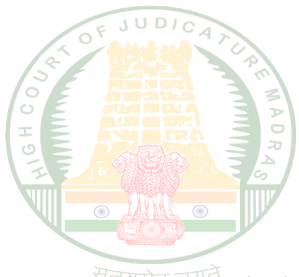


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was found that they were in possession of 20.780 kgs of ganja. A1 gave a confession statement stating that two other accused persons were waiting outside in a car. Based on this information, the respondent-police went outside and arrested A3. Another 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 the petitioner (A4) and was being driven by 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 (A4) was subsequently arrested on 05.01.2024. Hence, the case.

4. Mr.M.Dinesh Hari Sudarsan, the learned counsel 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 the petitioner/A4 has been in judicial custody since 05.01.2024. He further submitted that the petitioner has been arrayed as Accused No.4 in this case and no contraband was recovered from the petitioner. He submitted that the respondent-police, without conducting a proper preliminary enquiry, arrayed the petitioner as A4 solely based on the confession statement given by co-accused. He further submitted that A3 was granted bail by this Court in Crl.O.P.(MD) No.2470 of 2025, *vide* order dated 26.02.2025. He also



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submitted that the investigation has been completed and the charge sheet has been filed in C.C.No.61 of 2024 before the learned Principal Special Court for Trial of NDPS Act Cases, Pudukkottai. He further submitted that the case has been posted for framing of charges and, therefore, the trial is not likely to be completed within a short span of time. 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 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. He further submitted that the call detail records, tower location data, and monetary transactions between the accused persons were placed before this Court, which *prima facie* establish the involvement of the petitioner in the commission of the offence. Hence, rigors stated in Section 37 of the NDPS Act would be applicable to petitioner. Therefore, 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.



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

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7. This is the fifth bail petition filed by the petitioner before this Court. The earlier bail application in Crl.O.P(MD).No.21642 of 2024 was dismissed on 10.12.2024. The relevant portions are extracted hereunder:

“The petitioner / Accused No.4, who was arrested and remanded to judicial custody on 06.01.2024 for the alleged offence under Sections 8(c) r/w. 20(b)(ii)(C) of NDPS Act, in Crime No.17 of 2023, on the file of the respondent police, seeks bail.

2. This is the 4th bail petition filed by the petitioner. The earlier bail petitions filed by the petitioner was dismissed on merits and this Court found that there are no mandatory violations. Hence, when the earlier bail petitions have been dismissed on merits and there are no change in circumstances, there is no question of entertaining one more bail petition and considering the same on merits. Just because A2 was arrested recently and he is the main accused in this case, that does not give a cause of action for the petitioner to file one more bail petition before this Court.



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3. In view of the above, this criminal original petition stands dismissed."

8. It is true that the petitioner has been arrayed as an accused based on the confession statements given by A1 and A2. A perusal of the records, including the Call Detail Records (CDR), reveals that the petitioner had contacted A1 to A3 multiple times. A perusal of the tower location of the petitioner's mobile number shows that he had travelled to Andhra Pradesh along with A1 and A2, and thereafter to Chennai. Upon perusal of other records, it is also noticed that the petitioner had provided his car for picking up A1 and A2 at Trichy Railway Station. The entire set of records reveals the involvement of the petitioner in the commission of the offence. 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 constitutes a commercial quantity, this Court is not inclined to grant bail to the petitioner.



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9. Accordingly, this Criminal Original Petition is dismissed.

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

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TO

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

ORDER
IN
CRL OP(MD) No.5172 of 2025
Date :09/04/2025

SS/SAR- /09/04/2025/ 7P/5C

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

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