



CRL OP (MD) No.4958 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/04/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

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J.Vivek

... Petitioner/ Accused No.6

Vs

The State of Tamil Nadu
Rep. by the Inspector of Police,
Pattiveeranpatti, Dindigul District.
(Crime No. 245 of 2024).

... Respondent/Complainant

For Petitioner : Mr.P.Rengaraju
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

To enlarge the petitioner on bail in C.C.No.455 of 2024 on the file of the learned II Additional Special Court for trial of NDPS Act Cases, Madurai in connection with Crime No.245 of 2024 on the file of the respondent-police.

ORDER : The Court made the following order:



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This Criminal Original Petition has been filed by the petitioner on 14.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/Accused No.6 was arrested and remanded to judicial custody on 03.10.2024 for the offences punishable under Sections 8(c), 20(b)(ii)(C), 25 and 29 (1) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.245 of 2024. After completion of investigation, the respondent-police filed the charge sheet and the same was taken on file by the learned II Additional Special Court for NDPS Act Cases, Madurai in C.C.No.455 of 2024.

3. The case of the prosecution is that, based on secret information, on 28.06.2024 at about 14.00 hours, the respondent-police conducted a raid at the backside of Chinnamman Kovil, located on Chithoor-Nellur Road. At that time, the respondent-police intercepted two two-wheelers bearing Registration Nos.TN-48-AE-0879 and TN-60-AA-6970, ridden by Accused Nos.1 to 3. Upon enquiry, the respondent-police found that Accused Nos.1 to 3 were in possession of 20.700 kgs of ganja contained in a white-coloured gunny bag. The police arrested them on the spot and seized the ganja. Based on the confession given by Accused No.1, one Anand was arrayed as Accused No.4. While conducting enquiry and search on A4, it was revealed that the petitioner (A6) and A5 were involved in the case. The petitioner was formally



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arrested on 03.10.2024 when he was in judicial custody in connection with another case in Crime No.288 of 2024 on the file of the Vadipatti Police Station, Madurai. Hence, the case.

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4. Mr.P.Rengaraju, learned counsel appearing for the petitioner, submits that the petitioner is an innocent person, that he has not committed any offence as alleged by the prosecution, and that a false case has been foisted against the petitioner. He further submits that no contraband was recovered from the petitioner, and that his name was not mentioned in the FIR. He further submits that the petitioner has been in judicial custody since 03.10.2024 and 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, learned Additional Public Prosecutor appearing for the respondent-police, submits that while conducting enquiry and search on A4, it was revealed that the petitioner (A6) was involved in the case and was formally arrested on 03.10.2024 when he was in judicial custody in connection with another contraband case in Crime No.288 of 2024 on the file of the Vadipatti Police Station, Madurai. He further submits that if the petitioner is enlarged on bail, he will commit a similar offence, abscond, and delay the trial. Accordingly, he strongly opposes to grant bail to the petitioner.

6. Heard on both sides and perused the records.



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7. The petitioner was formally arrested on 03.10.2024 when he was in judicial custody in connection with another case in Crime No.288 of 2024 on the file of the Vadipatti Police Station, Madurai. The petitioner has been arrayed as Accused No.6, as the investigation revealed that he was involved in the case. Except that, there are no other materials available on record connecting the petitioner with the crime. In particular, no contraband was recovered from the petitioner. To be noted, the above view is recorded only for the purpose of deciding the bail petition. The above view, in any way, would not cause any prejudice to the rights of the prosecution in establishing the case during the trial. Further, after completion of the investigation, the respondent-police filed the charge sheet, and the same was taken on file by the learned II Additional Special Court for NDPS Act Cases, Madurai, in C.C.No. 455 of 2024. In view of the above, this Court is of the opinion that further custody of the petitioner is not necessary in this case. Considering the same and also considering the period of incarceration suffered by the petitioner and with a view to give one more opportunity to the petitioner to reform himself, 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 II Additional Special Judge for
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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 II Additional Special Judge for NDPS Act cases, Madurai shall obtain a copy of any one of identity proofs to ensure their identity;

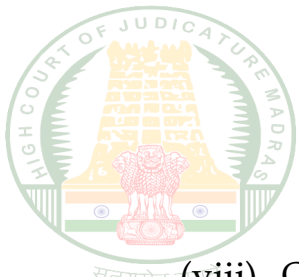
(iii) The petitioner shall furnish his residential address and mobile number to the learned II Additional Special Judge for NDPS Act cases, Madurai.

(iv) The petitioner shall appear and sign before the learned II Additional Special Judge for NDPS Act cases, Madurai on all working days at 10.30 am 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 which 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; and



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(viii) On breach of any of the aforementioned conditions, the learned II Additional Special Judge for 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/-
16/04/2025

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17/04/2025
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

Rmk
To

1. The II Additional Special Judge for NDPS Act cases, Madurai
2. The Superintendent, Central Prison, Madurai.
3. The Inspector of Police, Pattiveeranpatti Police Station, Dindigul District.
4. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.4958 of 2025
Date :16/04/2025



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NBF/SAR/ (17/04/2025) 7P/5C

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