



CRL OP (MD) No.5529 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09.04.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Mohammed Shameem

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Arumuganeri Police Station,
Thoothukudi District.
Crime No.119 of 2024

... Respondent/Complainant

For Petitioner : Mr.J.Joseph Zinoson
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For bail in Crime No.119 of 2024 on the file of the respondent-police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 21.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to



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grant bail.

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2. The petitioner/A2 was arrested and remanded to judicial custody on 31.03.2024 for the alleged offences punishable under Sections 8(c),20(b)(ii)(C) and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.119 of 2024 on the file of the respondent-police.

3. The prosecution's case is that on 31.03.2024, at about 11:20 a.m., during a routine vehicle check-up conducted for the 2024 parliamentary elections on Thoothukudi-Tiruchendur Road, the respondent-police, along with the election officer, found that the petitioner and other accused persons were in illegal possession of 20.6 kg of ganja in their car, bearing Reg.No.TN-23-BC-7603. Hence the case.

4. Mr.J.Joseph Zinoson, the learned counsel appearing for the petitioner, submits that the petitioner did not commit any offence as alleged by the prosecution, and he has been falsely implicated in this case. He however submits that the petitioner is ready to abide by any condition that may be imposed by this Court. He further submits that the petitioner has been in judicial custody since 31.03.2024. He therefore prays to grant bail to the petitioner.

5. Per contra, R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that the petitioner and the other accused persons were found in illegal possession of 20 kg 600 g of ganja. He further



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submits that if the petitioner is enlarged on bail, he will commit similar offence.

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Therefore, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records including the First Information Report.

7. The petitioner was arrested on 31.03.2024 and has been in judicial custody. As per the First Information Report, the respondent-police seized two bags weighing 20 kgs 600 gms. Admittedly, two bags were not separately weighed. Hence, Rule 3 of the NDPS (Seizure, Storage, Sampling and Disposal) Rules, 2022 has been violated. In view of the above, this Court is of the view that the contraband allegedly seized from the petitioner would be below the commercial quantity, i.e., intermediate quantity. The petitioner has established prima facie 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 prosecution in establishing its case during the trial. The charge sheet has been filed. Considering the above, and also considering the period of incarceration, 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.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees



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Twenty Five Thousand only) to the satisfaction of the learned Principal Special Judge,
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Special Court for EC and 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 Principal Special Judge, Special Court for EC and 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 Principal Special Judge, Special Court for EC and NDPS Act cases, Madurai;

(iv) The petitioner shall appear and sign before learned Principal Special Judge, Special Court for EC and NDPS Act cases, Madurai, on all working days at 10.30 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 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



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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, learned Principal Special Judge, Special Court for EC and 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/-
09/04/2025

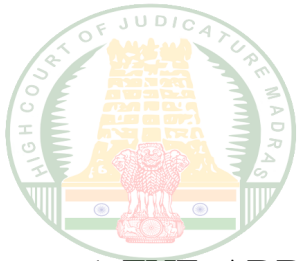
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09/04/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

MBI
TO
1 THE PRINCIPAL SPECIAL JUDGE,
SPECIAL COURT FOR EC AND NDPS ACT CASES,
MADURAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

3 THE INSPECTOR OF POLICE,
ARUMUGANERI POLICE STATION,
THOOTHUKUDI DISTRICT.



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

ORDER IN
CRL OP(MD) No.5529 of 2025
Date :09/04/2025

SA/SAR. /09.04.2025/6P/5C

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