



CRL OP (MD) No.5069 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23.04.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.5069 of 2025

M.Mohanasundaram

... Petitioner/ Accused No.7

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
PEW Alangudi P.S.,
Pudukottai District.
Crime No.876 of 2023

... Respondent/Complainant

For Petitioner : Mr.C.Kannan
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For bail in Crime No.876 of 2023 on the file of the respondent-police.



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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 17.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail.

2. The petitioner/A7 was arrested and remanded to judicial custody on 13.11.2024 for the alleged offences punishable under Sections 8(c) read with 20(b)(ii) (C) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.876 of 2023 on the file of the respondent-police.

3. The case of the prosecution is that, based on secret information, on 18.08.2023 at about 09:20 a.m., when the respondent-police, along with the Coast Guard, were on surveillance at the beach near Kumarappanvayan Cremation Ground, they found Accused No.3 standing with a white bag and arrested him. Upon searching the bag, the respondent-police found that Accused No.1 was in possession of 31 kg of ganja, and they seized the same along with two two-wheelers bearing Registration Nos. TN-75-AF-0878 and TN-32-AY-3766, which were used for transporting the ganja.

3.1. During enquiry, it came to light that the accused persons had already transported four bags of ganja to Sri Lanka via boat on 17.08.2023 and had attempted to transport the remaining one bag of ganja, and that the petitioner was



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also involved in the crime. According to the prosecution, the petitioner had illegally transported 31 kg of ganja in his vehicle bearing Registration No.TN-01-AB-8544, and thereafter, sold the vehicle to one Mohammed Rafiq. The said vehicle was seized from Mohammed Rafiq on 25.09.2024. Hence, the case.

4. Mr.C.Kannan, learned counsel appearing for the petitioner, submits that the petitioner did not commit any offence as alleged by the prosecution and that he has been falsely implicated in this case. He further submits that the petitioner has one previous case and the same ended in acquittal on 24.03.2025 in C.C.No.46 of 2024 on the file of the II Additional NDPS Court, Pudukottai. He further submits that there is no material available on record to show that the petitioner has committed the offence, and hence, the rigors stated in Section 37 of NDPS Act, 1985 would not be applicable to the petitioner. He further submits that the petitioner has been in judicial custody since 13.11.2024 and is ready to abide by any condition 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 the petitioner transported the contraband (31 kg of ganja) in his vehicle bearing Registration No.TN-01-AB-8544, and thereafter, with the sole intention of evading liability for the crime, sold the vehicle to one Mohammed Rafiq. He further submits that the



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petitioner was actively involved in the offence. He also submits that during the investigation, the investigating agency collected sufficient material, which shows the involvement of the petitioner in the crime. As far as the present petitioner is concerned, the investigation is still ongoing, and at this stage, if bail is granted, he may abscond and delay the investigation. He further submits that the contraband (31 kg of ganja) seized from Accused No.3 constitutes a commercial quantity, and since the petitioner was directly involved in the crime, the rigours of Section 37 of the NDPS Act, 1985, would be applicable. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides and perused the records.

7. On 18.03.2023, the respondent-police interrogated Accused No.3 and seized 31 kg of ganja from him. Based on his confession, the present petitioner has been arrayed as Accused No.7. The petitioner was arrested on 13.11.2024 and has been in judicial custody since then. As on date, except for the confession and the recovery of the vehicle bearing Registration No.TN-01-AB-8544, no other material is available on record to connect the petitioner with the alleged crime. Further, the previous case against the petitioner in C.C.No.46 of 2024 on the file of the II Additional NDPS Court, Pudukottai, ended in acquittal. The above view is recorded only for the purpose of deciding this bail application and in any way, would not cause prejudice



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to the prosecution in establishing its case during trial. In view of the facts and circumstances and 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 Twenty Five Thousand only) to the satisfaction of the learned Additional District Judge for EC and NDPS Act Cases, Pudukottai;

(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 Additional District Judge for EC and NDPS Act Cases, Pudukottai 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 Additional District Judge for EC and NDPS Act Cases, Pudukottai;

(iv) The petitioner shall appear and sign before the learned Additional District Judge for EC and NDPS Act Cases, Pudukottai 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;



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(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

(viii) On breach of any of the aforementioned conditions, the learned Additional District Judge for EC and NDPS Act Cases, Pudukottai 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/-
23/04/2025

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/04/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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- To
- 1.The Additional District Judge
for EC and NDPS Act Cases,
Pudukottai
 - 2.The officer-in-charge,
District Jail, Pudukottai.
 - 3.The Inspector of Police,
PEW, Alangudi P.S.,
Pudukottai District.
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.C.KANNAN, Advocate (SR-4617[I] dated 23/04/2025)

ORDER
IN

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Date :23/04/2025

PR/SAR /23.04.2025 7P/6C

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