



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 23.04.2025

Pronounced on : 08.05.2025

CORAM

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD).Nos.5547 and 5677 of 2025

Thangapandi
S/o.Paraman

... Petitioner / Accused No.3
(in both cases)

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
SS Colony Police Station,
Madurai City.
(Crime Nos.621 & 625 of 2024)

... Respondent / Complainant
(in both cases)

COMMON PRAYER :- Criminal Original Petitions filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail to the petitioner in connection with Crime Nos.621 and 625 of 2024 on the file of the respondent-police.

For Petitioner : Mr.J.Selvam,
(in both cases) Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
(in both cases) Additional Public Prosecutor



COMMON ORDER : The Court made the following order :-

WEB COPY

These Criminal Original Petitions have been filed by the petitioner on 21.03.2025 and 25.03.2025 respectively under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner / Accused No.3 in both cases was arrested on 25.09.2025 and remanded to judicial custody on 26.09.2023 for the alleged offences punishable under Sections 8(c) and 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 [in short "NDPS Act"] in Crime Nos.621 and 625 of 2024 on the file of the respondent-police. After investigation, charge sheets were filed and the same were taken on file by the learned Judge, Principal Special Court for EC and NDPS Act Cases, Madurai in C.C.No.119 of 2025 and C.C.No.121 of 2025 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C) and 29(1) of the NDPS Act.

3. The case of the prosecution is that on 23.09.2024, the defacto complainant, who is the Manager of Professional Courier, Bypass Road, Madurai, approached the respondent-police and reported that a suspicious parcel had arrived at the courier office. The parcel was labelled as containing "Wooden Toys" and was booked by one

M. Jashwa Kondasantha (V), Downuru, Visakhapatnam District, Andhra Pradesh,



WEB COPY

addressed to one Vicki at Simmakal, Madurai. A foul smell was emanating from the parcel. The defacto complainant contacted addressee over the phone, informed him about the parcel's arrival, and requested him to collect it from the courier office. However, the addressee responded that he would receive the parcel at Simmakal. The defacto complainant refused this request, stating that a foul smell was coming from the parcel, and insisted the addressee to collect it from the courier office. At this point, the addressee disconnected the call. Subsequently, the defacto complainant informed the respondent-police about the incident. Acting on this information, the respondent-police, accompanied by their team and the VAO, proceeded to the courier office and opened the parcel. Upon inspection, they discovered 11 bags inside two wooden boxes, containing a total of 22 kg of ganja (each bag weighing 2 kg). The respondent-police then seized the contraband. A case was registered against the addressee as a suspected accused in Crime No.621 of 2024, on 23.09.2024, for the alleged offences under Sections 8(c) read with 20(b)(ii)(C) of the NDPS Act.

4. Investigation revealed that the address mentioned on the courier boxes was fake. Upon verifying the contact number linked to the parcel, it was found to be registered in the name of one Dinesh. On inquiry, Dinesh confessed that he was in a relationship with A2 (Thirukkammal) and had obtained the said number, which he



WEB COPY

then provided to her. He further confessed that A2, with the help of A1, was engaged in ganja smuggling. Based on the confession, the petitioner was arrested on 25.09.2024.

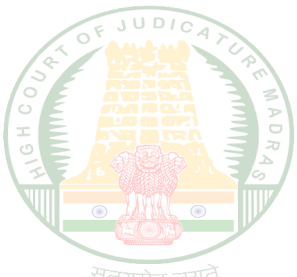
5. Meanwhile, on 25.09.2024, another suspicious parcel arrived at the same courier office, but this time addressed to two different recipients - one to Vicki at Simmakal, Madurai, and another to Sathurakiri at Sathurakiri Store, Sellur, Madurai. Subsequently, the defacto complainant again informed the respondent-police about the incident. Acting on this information, the respondent-police, accompanied by their team and the VAO, proceeded to the courier office and opened the parcels. Upon inspection, they discovered 12 bags inside two wooden boxes, containing a total of 24 kg of ganja (each bag weighing 2 kg). The respondent-police then seized the contraband. Consequently, a case was registered against Vicki and Sathurakiri as suspected accused in Crime No.625 of 2024, dated 25.09.2024, for the alleged offences under Sections 8(c), 20(b)(ii)(C), and 29(1) of the NDPS Act. During the course of investigation, the respondent-police arrested Chellaveer (A1) and Thirukkammal (A2) and seized 2 kilograms of ganja from their possession. Subsequently, the respondent-police arrested the petitioner, Thangapandi (A3), on 25.09.2024, and seized 1.200 kilograms of ganja from him at Mela Anna Thoppu, near



WEB COPY

the Railway Bridge. Thereafter, Vicky (A4) was arrested on 19.10.2024, and 500 grams of ganja were seized from him. Further, the respondent-police sent the mobile phone seized from A1 for forensic analysis and obtained the Forensic Science Laboratory (FSL) report. According to the prosecution, A1 to A4 conspired together to procure ganja from A5, who is a resident of Andhra Pradesh. It is also alleged that A1 to A4 transferred money to A5 through one Ramachandra Rao of Andhra Pradesh to facilitate the procurement. Hence, the case.

6. Mr.J.Selvam, learned counsel for the petitioner, submitted that the petitioner is an innocent person and has not committed any offence as alleged by the prosecution. He further submitted that the petitioner (A3) has been in judicial custody since 25.09.2024. Further submitted that 1.200 kgs of ganja alone allegedly seized / recovered from the petitioner on 25.09.2024. Hence, the aforesaid recovery cannot be clubbed with the original recovery which allegedly took place on 23.09.2024 and 25.09.2024. In short, his contention is that alleged recovery of 1.200 kgs of ganja from the petitioner is different place and time and hence, cannot be clubbed together and say the contraband involved is commercial quantity. As far as the first petitioner is concerned, 1.200 kgs of ganja of contraband alone was recovered. Hence, rigors stated in Section 37 of the NDPS Act would not be applicable to the petitioner.



WEB COPY

He further submitted that the first bail application in CrI.OP(MD).No.21980 of 2024 was dismissed on 22.01.2025 on the ground that whatsapp call logs are available to connect the petitioner with the other accused. But, investigation reveals that the petitioner had not contacted anyone in Andhra Pradesh. He further submitted that the investigation in both cases has been completed and charge sheets have been filed. The same have been taken on file by the learned Judge, Principal Special Court for EC and NDPS Act Cases, Madurai, in C.C. No.119 of 2025 and C.C. No.121 of 2025. He further submitted that, as per the CDR details, A1 to A3 are residing in the same locality. A1 contacted the petitioner on five occasions between 11.05.2024 and 01.07.2024. Since the petitioner and A1 residing in the same locality, such contact is possible and natural and cannot, by itself, give rise to an inference of criminal involvement. Therefore, the mere fact that the petitioner contacted A1 five times during the said period is not sufficient to conclude that the petitioner was also involved in the crime. He further submitted that the investigating agency has filed a computer forensic examination report, which pertains only to A1's mobile number and not to the petitioner's mobile number. He, however, submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Accordingly, he prayed to grant bail to the petitioner.

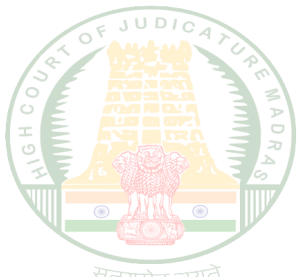


WEB COPY

7. *Per contra*, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submitted that the petitioner has been arrayed as A3 in both cases. He further submitted that there are two previous cases registered against the petitioner under the NDPS Act. In one case, which involved a commercial quantity, the petitioner was acquitted. In the other case, which involved an intermediate quantity, the petitioner was imposed with a fine. He further submitted that the detailed investigation reveals that the petitioner is an active seller of ganja and maintains close connections with key rowdy elements and ganja distribution networks operating in and around Madurai City. He further submitted the contraband seized in this case is a commercial quantity. Therefore, the petitioner has not satisfied the twin conditions stipulated under Section 37 of the NDPS Act. He further contended that if the petitioner is released on bail, he will abscond causing delay to the trial proceedings. Hence, he vehemently opposed to grant bail to the petitioner. Accordingly, he prayed to dismiss these Criminal Original Petitions.

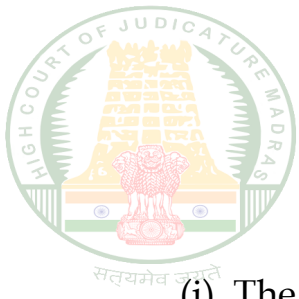
8. This Court has heard the learned counsel on both sides and perused the material available on record.

9. A perusal of the records, including the Call Detail Records (CDRs), reveals that A1 contacted the petitioner (A3) on only five occasions between 11.05.2024 and



01.07.2024.
WEB COPY

Apart from these instances, there is no evidence of any further communication between them at any point of time, including on the date of the alleged occurrence. A further perusal of the records reveals that there are no other materials available against the petitioner, except the confession of a co-accused and the alleged recovery of 1.200 kg of ganja which comes under intermediate quantity. In the absence of any material connecting the petitioner (A3) with the alleged offence, it cannot be stated that the rigors stated in Section 37 of the NDPS Act would be applicable to the petitioner. Therefore, this Court is of the opinion that further custody of the petitioner is not necessary in this case. It is to be noted that the above view is recorded only for the limited purpose of deciding these bail petitions. This view, in any way, would not cause any prejudice to the rights of the prosecution in establishing its case during the trial. Considering the above facts, and also taking into account that the charge sheets have already been filed after completion of investigation, considering the period of incarceration undergone by the petitioner and taking into the fact that out of the two previous cases registered under the NDPS Act, one involving commercial quantity resulted in acquittal and the other pertains to an intermediate quantity, this Court is inclined to grant bail to the petitioner in both cases, however, subject to certain conditions. Accordingly, bail is granted to the petitioner in both cases subject to the following conditions:



WEB COPY

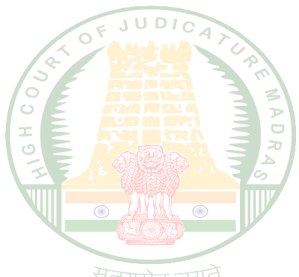
(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judge, Principal Special Court for EC and NDPS Act Cases, Madurai.

(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 Judge, Principal 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 attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNSS, 2023.

(iv) 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.

(v) 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.

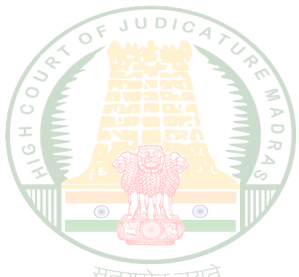
(vi) The petitioner shall appear and sign before the learned Judge, Principal Special Court for EC and NDPS Act Cases, Madurai on all working days at 10.30 a.m. until further orders.

(vii) The petitioner shall not leave Tamil Nadu without prior permission of the Trial Court.

(viii) The petitioner shall appear on all hearing dates and co-operate with the Trial Court for speedy disposal of the case.

(ix) The petitioner shall furnish his residential address and mobile number to the Principal Special Court for EC and NDPS Act Cases, Madurai.

(x) On breach of any of the aforementioned conditions, the learned Judge, Principal 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



WEB COPY
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].

10. Accordingly, these Criminal Original Petitions are allowed subject to the conditions stated *supra*.

sd/-
08/05/2025

/ TRUE COPY /

/05/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PAL

TO

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

2 THE INSPECTOR OF POLICE,
SS COLONY POLICE STATION,
MADURAI CITY.

3 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.

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



WEB COPY

ORDER
IN
CRL.OP(MD).Nos.5547 and 5677 of 2025
Date :08/05/2025

SS/SAR- /09/05/2025/ 12P/5C

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