



CRL OP(MD). No.5745 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.5745 of 2025

Kannan

... Petitioner/ Accused No.1

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Prohibition Enforcement Wing,
Melur,
Madurai.
Crime No.569 of 2024..

... Respondent/Complainant

For Petitioner : Mr.Mayil Vahana Rajendran. C,
Advocate.

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

PRAYER :-

For Bail in Crime no.569 of 2024 on the file of the Respondent-Police.



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WEB COPY ORDER: The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 25.03.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner / Accused No.1 was arrested and remanded to judicial custody on 15.10.2024 for the offences punishable under Sections 8(c) r/w 20(b)(ii) (C), 25 and 29(i) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as "the NDPS Act") in connection with Crime No.569 of 2024 on the file of the respondent-Police.

3. The case of the prosecution is that on 15.10.2024, at around 04.00 p.m., based on secret information, the respondent along with his team, was conducting an inspection near Kumutrampatti Pirivu. At that time, the petitioner came in the lorry bearing Registration No.TN 64 AA 0127. The respondent-police intercepted the lorry and enquired. Upon enquiry, the police noticed that the petitioner was in illegal possession of 85 kgs of Ganja(Contraband). Thereafter, the respondent-police arrested the petitioner and seized 85 kgs of ganja and vehicle. Hence, the case.



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4. Mr.C.Mayil Vahana Rajendran, the learned counsel appearing for the petitioner, submits that the petitioner has been falsely implicated in this case and he did not commit any offence as alleged. He further submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He further submits that the petitioner has been in judicial custody since 15.10.2024. 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 if the petitioner is released on bail, there is a possibility of absconding and thereby, the investigation proceedings will be delayed. He further submits that the contraband recovered from the accused persons is of commercial quantity. Hence, he vehemently opposes to grant bail to the petitioner.

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

7. In view of above records, there are sufficient materials available on record to show that the petitioner involved in the offence. The respondent-Police seized 85



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kgs of ganja on the spot from the petitioner, which constitutes a commercial quantity. The petitioner has not established a prima facie case for the grant of bail.

The materials collected by the Investigating Agency prima facie shows that the petitioner has committed this crime. The petitioner has not satisfied the twin conditions stated in Section 37 of the NDPS Act. In view of the rigours statement of Section 37 of the NDPS Act, this Court is not inclined to grant bail to the petitioner. Further more, if bail is granted to the petitioner, he may abscond and thereby delaying the investigating proceedings. Considering the cumulative circumstances, this Court is not inclined to grant bail to the petitioner at this stage.

8. With the above observations, this Criminal Original Petition stands dismissed.

sd/-
28/04/2025

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/05/2025

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

vsg



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TO
WEB COPY

1. THE INSPECTOR OF POLICE,
PROHIBITION ENFORCEMENT WING,
MELUR,
MADURAI.
2. THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5745 of 2025
Date :28/04/2025

VN/15.05.2025 5P/4C

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