



CRL OP (MD) No.6026 of 2025

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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.6026 of 2025

K. Suresh @ Mullu Suresh

... Petitioner/ A9

Vs.

The State of Tamil Nadu
Rep. by The Inspector of Police,
PEW Ramanathapuram Police Station,
Ramanathapuram District.
Crime No.401 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, 2023
PRAYER :-

To grant bail for the Petitioner/Accused No.9 in the case in C.C.No.149 of 2024, on the file of the learned Additional Special Court for EC and NDPS Act Cases, Pudukottai in connection with Crime No.401 of 2023 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 28.03.2025



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

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2. The petitioner/Accused No.9 was arrested and remanded to judicial custody on 03.04.2024 for the offences punishable under Sections 8(c), 20(b)(ii)(C) and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.401 of 2023, on the file of the respondent-police.

3. The case of the prosecution is that, on 03.06.2023, at about 17:00 hours, based on secret information, the respondent-police proceeded to Mullimunai, Thiruvadanai Taluk. There, they found A1, A3, A7, and A8 standing near the house of A1, along with a Bolero pick-up vehicle bearing Registration No.TN-65-AL-4806. The respondent-police arrested them. Upon conducting a search around the house of A1, they found 21 kilograms of ganja in a white bag located at the backside of the house. Thereafter, A1 gave a confession. The police seized the contraband and the vehicle. Based on the confession of Accused No.1, the petitioner and other accused persons were arrayed as accused in this case. Hence, the case.

3.1. The investigation has been completed and charge sheet has been filed. As far as the petitioner is concerned, the absconding charge sheet was filed. The petitioner was arrested in connection with another case in Crime No.103 of 2024 on the file of Thiruppuvanam Police Station. Thereafter, the petitioner was formally



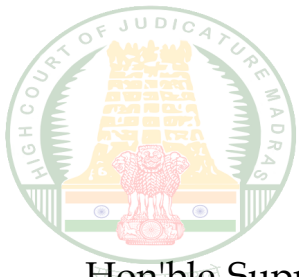
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arrested in this case on 03.04.2024.

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4. Mr.C.Kannan, learned counsel appearing for the petitioner, submits that the petitioner has nothing to do with the alleged offence and that only based on the confession of co-accused, the petitioner has been arrayed as Accused No.9. He further submit that the petitioner was arrested on 03.04.2025 and that the respondent-police filed a charge sheet. He further submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He further submits that if bail is granted to the petitioner, he will not abscond. He further submits that except the confession, no other material or evidence is available on record against the petitioner. Therefore, he prays for granting bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that the respondent-police seized 21 kgs of ganja from A1. He further submits that since the petitioner and the other accused persons purchased the contraband with a common intention to sell it illegally and earn money and the petitioner has connection with the crime, the recovery of ganja from other accused persons should be taken into account and that the contraband seized from the other accused persons comes within the category of commercial quantity. Further, he submits that the rigors stated in Section 37 of the NDPS Act would be applicable to this case. He relies upon the judgment of the



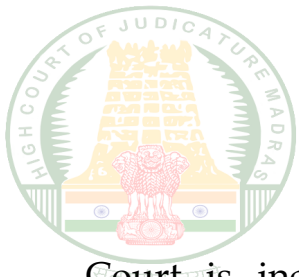
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Hon'ble Supreme Court in Narcotics Control Bureau v. Mohit Aggarwal, reported in (2022) 18 SCC 374. He further submits that the confession of the co-accused clearly discloses the involvement of the petitioner. The learned Additional Public Prosecutor therefore prays to dismiss this Criminal Original Petition.

6. Heard on both sides and perused the records.

7. The petitioner was arrested on 03.04.2024 while he was in jail in connection with another case in Crime No.103 of 2024 on the file of the Thiruppuvanam Police Station and has been in judicial custody since then. Based on the confession of Accused No.1, the petitioner has been arrayed as an accused. Except for the confession of A1, there is no other material available on record to establish the petitioner's involvement in this crime. The submission of the learned Additional Public Pleader that the recovery of ganja from the other accused persons should be taken into account due to the petitioner's alleged connection with the crime is not acceptable, as no recovery was made from the petitioner. Hence, this Court is of the view that the rigors stated in Section 37 of the NDPS Act would not be applicable to the case. 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.

8. Considering the above and taking note of the period of incarceration, this



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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:

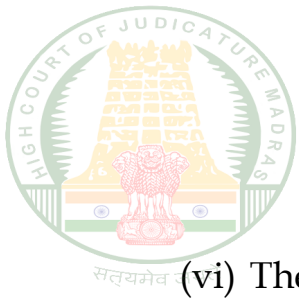
(i) The petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Additional District Judge for EC and NDPS Act Cases, Pudukottai;

(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 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 his 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].

9. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
28/04/2025

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

VSG



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TO मेव जयते

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- 1.THE ADDITIONAL DISTRICT JUDGE
FOR EC AND NDPS ACT CASES,
PUDUKOTTAI.
- 2.THE OFFICER-IN-CHARGE,
DISTRICT PRISON,
PUDUKOTTAI.
- 3.THE INSPECTOR OF POLICE,
PEW RAMANATHAPURAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
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Date :28/04/2025

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