



CRL OP (MD) No.7155 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.7155 of 2025

C.Binil George

... Petitioner/ A4

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
NIB-CID,
Thoothukudi District.
Crime No.2 of 2024

... Respondent/ Complainant

For Petitioner : Mr.L.Manikandan,
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.4 in the case in C.C.No.262 of 2024 on the file of the learned II Additional District Judge for NDPS Act Cases Madurai in connection with Crime No.2 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 16.04.2025



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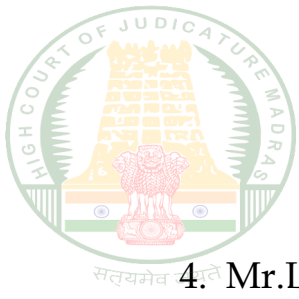
under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to
grant bail.

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2. The petitioner/Accused No.4 was arrested and remanded to judicial custody on 28.08.2024 for the offences punishable under Sections 8(c), r/w 20(b)(ii) (C), 25 and 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.2 of 2024, on the file of the respondent-police.

3. The case of the prosecution is that, on 11.12.2023, at about 15:00 hours, based on secret information received, the respondent-police proceeded to the Muthayapuram seashore. During inspection, they noticed an Innova car bearing Registration No.TN-50-D-2896 parked at the spot with its doors open. Upon conducting a search, A1 and A2 were found inside the car. On seeing the police, they attempted to flee the scene. However, they were apprehended by the respondent-police. Upon searching the vehicle, 12 gunny bags weighing 529 kilograms of contraband were found inside. The contraband, along with the vehicle and mobile phones, was seized. Based on their confessions, the petitioner and other accused were arrayed as accused in the case. Hence, the case.

3.1. After completion of investigation, the respondent-police filed the final report, and the same was taken on file by the learned II Additional District Judge for Special Court for EC and NDPS Act cases, Madurai, in C.C.No.262 of 2024.



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4. Mr.L.Manikandan, learned counsel appearing for the petitioner, submits that the petitioner has nothing to do with the alleged offence and that he has been arrayed as Accused No.4 only based on the confession of the co-accused. He further submits that the petitioner was arrested on 28.08.2024 and that the respondent-police have filed a charge sheet. He also submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. It is further submitted that if bail is granted to the petitioner, he will not abscond and cause any delay in the trial proceedings. He submits that, except for the confession, there is no other material or evidence 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 on the date of occurrence, the respondent-police seized 529 kgs of ganja. 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



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relies upon the judgment of the 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 28.08.2024 and has been in judicial custody since then. Based on the confession of the co-accused, the petitioner has been arrayed as an accused. Except for the confession of the co-accused, 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 II Additional District Judge 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 II Additional District Judge 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 II Additional District Judge for EC and NDPS Act Cases, Madurai and shall keep his mobile phone switched on and reachable.

(iv) The petitioner shall appear and sign before the learned II Additional District Judge 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



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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 II Additional District Judge 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].

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

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



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TO

- 1.THE II ADDITIONAL DISTRICT JUDGE
FOR EC AND NDPS ACT CASES,
MADURAI.
- 2.THE SUPERINTENDENT,
CENTRAL PRISON,
PALLAYAMKOTTAI.
- 3.THE INSPECTOR OF POLICE,
NIB-CID,
THOOTHUKUDI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.7155 of 2025
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