



CRL.OP(MD). No.6030 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.6030 of 2025

S.Senthil

... Petitioner / Accused No.2

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
NIB CID,
Sivagangai District.
(Crime No.1 of 2023)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the
petitioner in C.C.No.258 of 2023 on the file of the II Additional District Judge for
E.C. And NDPS Act cases, Pudukkottai in connection with the Crime No.1 of 2023
on the file of the respondent-police.

For Petitioner : Mr.NA.Mani Maran,
Advocate

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

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 28.03.2025
under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying



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to grant an order of pre-arrest bail.

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2. The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(c) read with 20(B)(ii)(c), 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, and Sections 468, 471 and 420 of Indian Penal Code, 1860 @ Sections 8(c) read with 20(b)(ii)(c), 25 and 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985, and Sections 420, 468, 471 and 120(B) of Indian Penal Code, 1860 in Crime No.1 of 2023 on the file of the respondent-police.

3. The case of the prosecution is that based on secret information, the respondent-police, on 08.01.2023 at about 09:30 p.m., conducted a vehicle check from Avanam Kaikati to Perayurani near Anna Nagar. During the check, a white Etios car bearing Registration No.TN-01-AY-3129 was intercepted. The respondent-police introduced themselves and enquired with the petitioner and another individual. Their responses were found to be contradictory. Upon searching the vehicle, the respondent-police seized 10 bags of contraband, identified as ganja, with a total weight of 196 kilograms. In the presence of a police official, samples were taken and statements were recorded. Hence, the case.

4. Mr.NA.Mani Maran, the learned counsel for the petitioner, submits that the petitioner is an innocent person and that he has not committed any offence as



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alleged by the prosecution and that a false has been foisted against this petitioner.

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He further submits that the petitioner has been implicated as an accused only based on the confession of A1. He further submits that the mother case in C.C. No.178 of 2023 on the file of the Additional District and Sessions Judge, Special Court for E.C. and NDPS Act Cases, Pudukkottai, ended in acquittal. Now, the petitioner is facing trial in C.C. No. 258 of 2023, which is split-up case, pending before the II Additional District and Sessions Judge, Special Court for E.C. and NDPS Act Cases, Pudukkottai, wherein he has been shown as an absconding accused in the charge sheet, and a Non-Bailable Warrant (NBW) is pending against him before the Trial Court. He further submits that if the petitioner surrenders before the Trial Court, he reasonably apprehends that he may be remanded / detained in prison. Hence, he seeks an order of pre-arrest bail. He however submits that the petitioner is ready to abide any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that there are totally six accused persons in this case and petitioner has been facing trial in C.C. No. 258 of 2023 before the II Additional District and Sessions Judge, Special Court for E.C. and NDPS Act Cases, Pudukkottai, wherein he has been shown as an absconding



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accused in the charge sheet, and a Non-Bailable Warrant (NBW) is also pending against him. He further submits that the contraband seized in this case is commercial quantity. He further contends that if the petitioner is released on pre-arrest bail, he may abscond, thereby causing a delay in the trial. He, therefore, prays to dismiss this Criminal Original Petition.

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

7. It is stated the mother case in C.C.No.178 of 023 ended acquittal. The petitioner had been arrayed as accused based on the confession of the co-accused. No contraband was seized from the premises of the petitioner. It is stated by the petitioner that the petitioner did not know about the registration of the case. Taking into account of the facts and circumstances of the case and the nature of the offence allegedly committed by the petitioner, and considering the reasons stated for his non-appearance before the Trial Court, this Court is of the view that the petitioner's apprehension of arrest is reasonable. Since no contraband was seized / recovered from the petitioner, this Court is of the view that rigors of Section 37 of the NDPS Act would not be applicable to the petitioner. To be noted, the aforesaid view is recorded only for the limited purpose of deciding the bail application alone. It will not cause any prejudice to the prosecution to establish its case during trial. Considering the same and also considering the facts and circumstances of the case,



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and with a view to give one more opportunity to the petitioner to reform himself, this Court is inclined to grant pre-arrest bail to the petitioner. Accordingly, pre-arrest bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall be released on pre-arrest bail in the event of her arrest or in the event of her surrender before the learned II Additional District and Sessions Judge, Special Court for E.C. and NDPS Act Cases, Pudukkottai, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of 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 II Additional District and Sessions Judge, Special Court for E.C. and NDPS Act Cases, Pudukkottai.

(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 Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner shall appear and sign before the II Additional District and Sessions Judge, Special Court for E.C. and NDPS Act Cases, Pudukkottai on all working days at 10.30 a.m. until further orders.

(iv) The petitioner shall make herself available for interrogation by a police



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officer as and when required.

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(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.

(vi) The petitioner shall not leave India without the previous permission of the Court.

(vii) The petitioner shall furnish her residential address and mobile number to the concerned Magistrate.

(viii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate or Trial Judge, as the case may be, is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by them 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/-
22/04/2025

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



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TO
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- 1 THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE, SPECIAL COURT FOR E.C. AND NDPS ACT CASES, PUDUKKOTTAI.
- 2 THE INSPECTOR OF POLICE, NIB CID, SIVAGANGAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6030 of 2025
Date :22/04/2025

NBF/28.05.2025 7P/4C

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