



Crl.OP.(MD)Nos.7616 and 7619 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Reserved on: 07.10.2025

Pronounced on: 23.10.2025

PRESENT

The HONOURABLE MRS.JUSTICE S.SRIMATHY

CRL OP(MD)Nos.7616 and 7619 of 2025

A.Parameshwaran

...Petitioner in both cases

Vs.

State of Tamil Nadu
The Inspector of Police,
Thiruppalai Police Station,
Madurai City.
(C.C.No.81 of 2024)

... Respondent in CRL OP
(MD) No.7616 of 2025

The State Represented by,
The Inspector of Police,
Mathichiyam Police Station,
Madurai District
(Crime No.217 of 2023)

... Respondent in CRL OP
(MD) No.7619 of 2025

PRAYER in CRL OP (MD) No.7616 of 2025 : Criminal Original Petition is filed under Sec.483 of BNSS, 2023 to enlarge the petitioner on Bail in connection with C.C.No.959 of 2023, on the file of the Principal Special Court for NDPS Act cases, Madurai, in Crime No.81 of 2023 on the file of the



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respondent police.

PRAYER in CRL OP (MD) No.7619 of 2025 : Criminal Original Petition is filed under Sec.483 of BNSS, 2023 to enlarge the petitioner on Bail in connection with C.C.No.960 of 2023, on the file of the Principal Special Court for NDPS Act cases, Madurai, in Crime No.217 of 2023 on the file of the respondent police.

In both cases:

For Petitioner: Mr.V.Kathirvelu
Senior Counsel
for Mr.C.Ezhilarasu

For Respondent: Mr.A.Thiruvadikumar
Additional Public Prosecutor

COMMON ORDER

Both the Criminal Original Petitions are filed by the same person, but different crime numbers under NDPS Act. Hence both petitions are taken together and a common order is passed.

2.(i) The Criminal Original Petition in CRL OP(MD)No.7616 of 2025 has been filed to enlarge the petitioner / Accused No.1 on bail in connection with C.C.No.959 of 2023, on the file of the Principal Special Court NDPS Act cases Madurai arising out of Crime No.81 of 2023 for the offences under Sections 8(c), 20(b)(ii)(c), 25, 29(1), 25(1)(a) of NDPS Act. The case of



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the prosecution is that on 12.03.2023 at about 11.30 pm the petitioner coming in his car bearing registration No. TN 65 AE 6565 was stopped and 42 kilograms of ganja was seized. Then FIR was filed against the petitioner and his wife who is an advocate based on his confession and the petitioner was remanded to custody on 13.07.2023.

2.(ii) The Criminal Original Petition in CRL OP(MD)No.7619 of 2025 has been filed to enlarge the petitioner / Accused No.2 on bail in connection with C.C.No.960 of 2023, on the file of the Principal Special Court NDPS Act cases Madurai arising out of Crime No.217 of 2023 for the offences under Sections 8(c), 20(b)(ii)(c), 25, 29(1), 25(1)(a) of NDPS Act. The case of the prosecution is that on 11.03.2023 at about 14.45 pm one Karthik / 1st accused was driving the car and the car was stopped and checked where it came to light that the said luxury car bearing registration No. TN 39 AU 8181 was transporting 43 kilograms of ganja and later through his confession statement another package of 45 kilograms of contraband was recovered from Dindigul (totally 88 kgs) and the alleged involvement of the petitioner was also found out and the name of the petitioner was arrayed as 2nd accused.

3. The petitioner is under judicial custody for more than two years



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without trial reaching completion and the prolonged detention amounts to pre-trial punishment and infringes personal liberty granted under Article 21.

4. The contention of the petitioner is that it creates beyond reasonable doubt that the arrest and seizure of contraband is concocted one. The petitioner had already filed three bail applications and had already raised the said contention and the same was rejected. Hence the same cannot be considered in the present bail application.

5. The next contention of the petitioner is that as far as Mathichiyam case is concerned the petitioner was implicated based on the confession of co-accused and contraband was not recovered from his possession. The said contention cannot be accepted since the car belongs to the petitioner and the co-accused is the driver of the petitioner. Further the respondent submitted there are other materials to prove the case against the petitioner. Therefore, this Court is not inclined to accepted the said contention.

6. The next contention of the petitioner is that the petitioner had already filed three bail applications and the same were dismissed with an expectation that the trial would be completed, but still the trial is not completed



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and the petitioner is under judicial custody for more than two years. The respondent submitted that the stage of trial is posted for I.O. examination and other witnesses are already over. It is seen there are 7 accused and 23 witness and the trial had reached for I.O. examination. In such circumstances, the trial cannot be stated as delayed trial.

7. Under section 37 of NDPS Act it is stated that no person is entitled to bail provided the test prescribed under the section ought to be satisfied. The said section is extracted hereunder:

"[37. Offences to be cognizable and non-bailable.—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974),—

(a) every offence punishable under this Act shall be cognizable;

(b) no person accused of an offence punishable for 3[offences under section 19 or section 24 or section 27A and also for offences involving commercial quantity] shall be released on bail or on his own bond unless—

- (i) the Public Prosecutor has been given an opportunity to oppose the application for such release, and*
- (ii) where the Public Prosecutor opposes the*



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application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

(2) The limitations on granting of bail specified in clause (b) of subsection (1) are in addition to the limitations under the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force on granting of bail.]"

8. The section states to issue notice to the Public Prosecutor. This Court had issued notice to the Public Prosecutor, who in turn had filed objections and opposed to grant bail. Hence the said condition is satisfied.

9. The section further states if the Public Prosecutor opposes the bail, then the court ought to satisfy itself the twin test,

- (i) that there are reasonable grounds for believing that he is not guilty of such offence and*
- (ii) that he is not likely to commit any offence while on bail*

In the present case the charge against the petitioner is based on the possession of contraband and also based on the fact that the petitioner's car is involved in the crime. Moreover, the petitioner has three previous cases under NDPS Act.



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Therefore, the petitioner fails in the first test.

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10. As far as the second test is concerned, it is seen that the petitioner is having four NDPS cases including the present cases and 26 IPC cases in Tamil Nadu, 12 IPC cases in Kerala, 15 IPC cases in Karnataka in which one is Goondas, 2 cases in Goa and one case in Andhra Pradesh. The petitioner fails in the second test also.

11. As stated supra the Trial has reached the stage of examination of I.O., therefore, it would be suffice, if it is directed to complete the Trial. However, the Trial Court is directed to complete the trial at the earliest. Accordingly, the Criminal Original Petitions for bail are dismissed.

23.10.2025

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TO

1. Principal Special Court for NDPS Act cases,
Madurai.

2.The Additional Public Prosecutor,
Madurai Bench Of Madras High Court,
Madurai.

3.The Inspector of Police,
Thiruppalai Police Station,
Madurai City.

4.The Inspector of Police,
Mathichiyam Police Station,
Madurai District



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S.SRIMATHY,J

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ORDER
IN
CRL OP(MD)Nos.7616 and 7619 of 2025

Date : 23.10.2025