



CRL OP (MD) No.6870 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.6870 of 2025

Doss @ Micheal Doss

... Petitioner/ Accused No.4

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
PEW- Melur Police Station,
Madurai.
Crime No. 569 of 2024

... Respondent/ Complainant

For Petitioner : Mr.P.Suresh
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No. 569 of 2024 on the file of the respondent-police.



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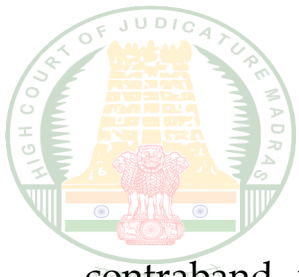
ORDER: The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 09.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/Accused No.4 was arrested and remanded to judicial custody on 07.02.2025 for the alleged offences punishable under Sections 8(c), 20(b) (ii)(C), 25 and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 in 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 about 19.00 hours, based on secret information, the Sub-Inspector of Police, along with his team, was conducting a vehicle check-up near the Trichy-Madurai Four-Way Track. During the check-up, they intercepted an Ashok Leyland Lorry bearing Registration No.TN-64-AA-0127. Upon seeing the police, the driver of the Lorry attempted to flee from the place of occurrence. However, the police party apprehended Accused No.1, conducted a search, and found that the accused were transporting 85 kgs of ganja in the said vehicle. The police seized the contraband and the vehicle. Subsequently, on 16.10.2024, based on the confession of Accused No.1, the police conducted a search of Accused No.3's house and found that Accused No.3 was in possession of 1.950 kgs of ganja in his vehicle bearing Registration No.TN-48-M-3388 parked there. The



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contraband was seized by the respondent-police. Based on the confession of
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Accused No.1, the petitioner has been arrayed as A4. Hence, the case.

4. Mr.P.Suresh, learned counsel appearing for the petitioner, submits that the petitioner is an innocent person and that he has been falsely implicated in this case. He further submits that, except for the confession of A1, there is no other material on record to connect the petitioner with the crime, and that no contraband was recovered from the petitioner. He further submits that the petitioner has been in judicial custody since 07.02.2025 and is ready to abide by any stringent conditions that may be imposed by this Court. 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 the petitioner herein was arrayed as an accused based on the confession of the co-accused, viz., A1. He further submits that the petitioner is the main accused, that A1 is the driver, and that the petitioner, with the help of A1 and A2, used to smuggle ganja from Andhra Pradesh, and A1 would instruct A3 about the delivery point. He further submits that there is no previous case pending against the petitioner. 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, the recovery of ganja from



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other accused persons should be taken into account, and that the total contraband seized from all the 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 Hon'ble Supreme Court in Narcotics Control Bureau v. Mohit Aggarwal, reported in (2022) 18 SCC 374. 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 07.02.2025 and has been in judicial custody since then. A bare perusal of the FIR would show that, on 15.10.2024 at about 19.00 hours, the respondent-police intercepted an Ashok Leyland lorry bearing Registration No.TN-64-AA-0127 and recovered 85 kgs of ganja from Accused No.1, who was the driver of the said lorry. Subsequently, on 16.10.2024, based on the confession of Accused No.1, the respondent-police proceeded to the Accused No.3's house and recovered 1.950 kgs of ganja from Accused No.3's vehicle. The submission of the learned Additional Public Prosecutor is that since the petitioner/A4 has a direct connection with the other accused persons with regard to the purchase and transportation of ganja, the recoveries of ganja from the other accused persons should be taken into account. This Court is not inclined to accept



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the above submission for the reason that the seizures were not made at the same time, and particularly because no contraband was recovered from the petitioner, who has been arrayed as an accused only based on the confession of Accused No.1. 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.

7.1. Considering the same and also considering the period of incarceration and taking note of the fact that there is no previous case pending against the petitioner, this 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 Principal Special Judge for Trial of Narcotic Drugs and Psychotropic Substances Act Cases, Madurai;

(ii) The sureties shall affix their photographs and left thumb impression in the



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Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Principal Special Judge for Trial of Narcotic Drugs and Psychotropic Substances Act Cases, Madurai shall obtain a copy of any one of identity proofs to ensure their identity;

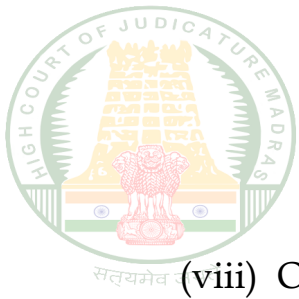
(iii) The petitioner shall furnish his residential address and mobile number to the learned Principal Special Judge for Trial of Narcotic Drugs and Psychotropic Substances Act Cases, Madurai;

(iv) The petitioner shall appear and sign before the learned Principal Special Judge for Trial of Narcotic Drugs and Psychotropic Substances Act Cases, Madurai, on all working days at 10.30 am 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;

(vi) The petitioner shall not commit an offence similar to the offence of which 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 him from disclosing such facts to the Court or to any police officer or tamper with the evidence; and



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(viii) On breach of any of the aforementioned conditions, the learned Principal Special Judge for Trial of Narcotic Drugs and Psychotropic Substances 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].

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

sd/-
29/04/2025

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

TRP

To

1. The Principal Special Judge
for Trial of Narcotic Drugs and Psychotropic Substances Act Cases,
Madurai.
2. The Superintendent,
Central Prison, Madurai.
3. The Inspector of Police,
PEW- Melur Police Station, Madurai.



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4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.6870 of 2025
Date :29/04/2025

MK/SAR /02.05.2025 8P/5C

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