



CRL OP (MD) No.7936 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.7936 of 2025

Shibin

... Petitioner/Sole Accused

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
PEW - Nagercoil Police Station,
Kaniyakumari District.
Crime No.29 of 2025

... Respondent/Complainant

For Petitioner : Mrs.K.Sasi Prabha
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS, 2023

PRAYER :-

For bail in Crime No.29 of 2025 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 25.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail.

2. The petitioner/sole accused was arrested and remanded to judicial custody on 05.04.2025 for the offences punishable under Sections 8(c), 20(b)(ii)(B) and 25 of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.29 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, on 05.04.2025 at 11:00 hours, based on secret information, the respondent-police proceeded to the spot, where they found the petitioner arriving on a black Pulsar motorcycle bearing Registration No.TN-74-BB-5943. Upon conducting a search, they found the petitioner in illegal possession of 1 kg and 250 grams of ganja. The vehicle and the contraband were seized from the petitioner. Hence the case.

4. Mrs.K.Sasi Prabha, learned counsel appearing for the petitioner, submits that the petitioner did not commit any offence as alleged by the prosecution and that a false case has been foisted against him. She further submits that the petitioner has been in judicial custody since 05.04.2025 and is ready to abide by any condition that may be imposed by this Court. He therefore prays to grant bail to the petitioner.



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5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that the petitioner was arrested with the contraband and that the alleged contraband and two-wheeler have been seized from the petitioner. He further submits that the petitioner has no previous case. However, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides and perused the records.

7. The petitioner was arrested on 05.04.2025 and has been in judicial custody since then. In view of the offences allegedly committed by the petitioner, and considering the fact that the contraband, admittedly of intermediate quantity, along with the vehicle, has been seized from the petitioner, this Court is of the opinion that further custody of the petitioner is not necessary for the Investigating Agency in this case. Further, the petitioner has permanent residence and deep roots in the society. Therefore, there is less possibility of absconding. Considering the same and also considering the period of incarceration and taking note of the fact that the petitioner is a first offender and with a view to give an opportunity to the petitioner to reform himself, 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



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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, Principal Special Court 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 Principal Special Judge, Principal Special Court 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 Principal Special Judge, Principal Special Court for EC and NDPS Act Cases, Madurai;

(iv) The petitioner shall appear and sign before the respondent-police daily at 10.00 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;

(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

(viii) On breach of any of the aforementioned conditions, the learned Principal Special Judge, Principal Special Court 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



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Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

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

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29/04/2025

/ TRUE COPY /

02/05/2025
Sub-Assistant Registrar (C.S.-I/ II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

mbi
TO

1 THE PRINCIPAL SPECIAL JUDGE,
PRINCIPAL SPECIAL COURT FOR EC AND NDPS ACT
CASES, MADURAI.

2 THE OFFICER INCHARGE, DISTRICT JAIL, NAGERCOIL.

3 THE INSPECTOR OF POLICE, PEW-NAGERCOIL POLICE STATION,
KANIYAKUMARI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR MADURAI BENCH OF MADRAS
HIGH COURT, MADURAI.

+1 CC to M/s.K.SASIPRABHA, Advocate (SR-5034[I] dated 29/04/2025)

ORDER
IN
CRL OP(MD) No.7936 of 2025
Date :29/04/2025



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NBF/SAR/02.05.2025 6P/6C

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