

Crl.O.P(MD)Nos.9437, 9591 and 10361 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Reserved on : 07.08.2025

Pronounced on : 12.09.2025

PRESENT

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Crl.O.P(MD)Nos.9437, 9591 and 10361 of 2025

Jeyaraj Pandian
S/o.Antony Pandian

... Petitioner/Accused No.6
in Crl.O.P(MD)No.9437 of 2025

Raja
S/o.Thommai

... Petitioner/Accused No.8
in Crl.O.P(MD)No.9591 of 2025

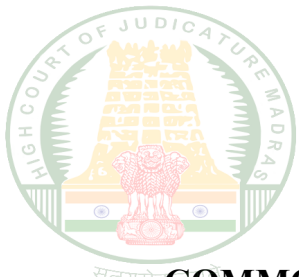
Pradeep
S/o.Thirumoorthi

... Petitioner/Accused No.4
in Crl.O.P(MD)No.10361 of 2025

Vs.

The State of Tamil Nadu rep. by
The Inspector of Police,
Narcotic Intelligence Bureau – CID,
Madurai District.
(Crime No.11 of 2024)

... Respondent/Complainant
in All Crl.O.Ps



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COMMON PRAYER: Criminal Original Petitions filed under Section 483 of BNSS, to enlarge the petitioners on bail in Crime No.11 of 2024 on the file of the respondent Police.

For Petitioner : Mr.P.M.Vishnuvarthanan
in Crl.O.P(MD)No.9437 of 2025

For Petitioner : Mr.J.Joseph Zinoson
in Crl.O.P(MD)No.9591 of 2025

For Petitioner : Mr.S.Muthuchharan Sundresh
in Crl.O.P(MD)No.10361 of 2025

For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Crl.side) in all OPs.

COMMON ORDER

The petitioners in respective petitions seek bail for the alleged offences U/s. 8(c), 20(b)(ii)(C), 25, 29(1) of the NDPS Act in the case registered in Crime No.11 of 2024 on the file of the respondent Police Station.

2. The case of the prosecution is that upon secret information that huge quantity of contraband is being smuggled to Sri Lanka through Tiruchendur via Madurai and Tirunelveli, on 01.08.2024 at 9.00 a.m., the respondent police team made raid near Meenakshi Bhavan Hotel, Chinna Udaippu, Perungudi,

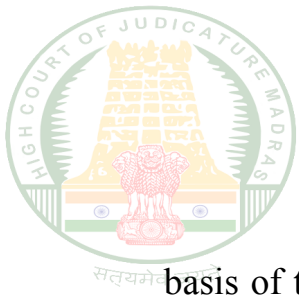


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Madurai and intercepted a lorry bearing registration number TN 52 B 4416, in which, A1 to A3 were present. On search, the respondent police found 120 kgs of ganja packed in four gunny bags in the lorry cabin and seized the contraband in the presence of the Revenue Officials. Accused Nos.1 to 3 were secured with possession of 120 kgs ganja and they were enquired. On enquiry, A1 to A3 gave a confession statement that they procured ganja from A10 in Andhra Pradesh and transported the same to Tirunelveli via Madurai through the lorry, which was escorted by A4 and A5 in a Baleno car bearing registration number TN 42 AH 7267, A6 & A7 were waiting to receive the contraband and to hand over the same to A8 & A9 to smuggle to Sri Lanka by boat via Tiruchendur. On the basis of confession of A1 to A3, A4 to A7 were arrested on 02.08.2024 and thereafter, A8 and A10 to A12 were arrested. Still, A9, A13 and A14 were absconding. Hence, the case is registered.

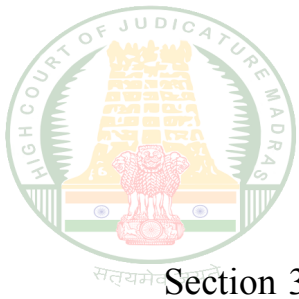
3. The learned counsel for the petitioner in Crl.O.P(MD)No.9437 of 2025 has submitted that this petitioner is arrayed as Accused No.6. This is the second application for bail, the earlier bail petition in Crl.O.P(MD)No.1130 of 2025 was dismissed as withdrawn. The petitioner is the acting driver of Accused No.4. The petitioner has been falsely implicated in this case on the



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basis of the alleged confession statement of A1 and A2 and on the basis of the alleged CDR details. The petitioner was arrested at his home in Tirunelveli at 10.30 a.m., whereas the FIR was registered at the same time 10.30 a.m. The respondent police stated that A4 to A7 were arrested in Madurai with Baleno car. The CCTV footage would reveal the arrest. There is no contraband recovered from this petitioner. Contraband was recovered from A1 and A2. The car is not registered in the name of this petitioner. The investigation has been completed and the final report has also been filed by the respondent police and the same was taken on file by the Special Court for NDPS and EC Act Cases, Madurai. The petitioner is in custody from 02.08.2024 for more than one year. The petitioner is suffering from lung-related disease and as per the direction of this Court, the petitioner underwent medical treatment at Government Rajaji Hospital, Madurai. Moreover, the petitioner is now suffering from 3rd stage of piles. The petitioner is ready to abide any condition. Therefore, the petitioner may be granted bail. The learned counsel further submitted that the petitioner has been falsely implicated in this case on the basis of the alleged confession statement of the co-accused and the alleged CDR details, which are not sufficient to connect the petitioner with the alleged crime and they are not applicable for the rigors stated in the provisions of



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Section 37 of the NDPS Act. In support of this argument, the learned counsel has relied on the order of this Court passed in **Crl.O.P(MD)No.21254 of 2024, dated 13.03.2025.**

4. The learned counsel for the petitioner in Crl.O.P(MD)No.9591 of 2025 has submitted that this petitioner is arrayed as A8. This is the second application for bail, the earlier bail petition in Crl.O.P.(MD)No.7174 of 2025 was dismissed as withdrawn. The petitioner has not committed any offence as alleged by the prosecution. The alleged occurrence took place on 01.08.2024, the petitioner was arrested on 11.09.2024 as he was falsely implicated in this case upon the alleged confession statement of A1 and A2 and also on political vengeance. The petitioner's wife has given representation before the District Collector and Superintendent of Police, Thoothukudi, for foisting a case against the petitioner. Since there was no action taken on her representation, she filed Crl.O.P(MD)No.14346 of 2024 before this Court, in which this Court directed to take decision on the representation of the petitioner's wife. So, the respondent police put up this false case against the petitioner. There is no *prima facie* legal evidence to implicate the petitioner in this case. The confession statement of the co-accused implicating this petitioner is



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inadmissible and also the CDR details are not sufficient to connect the petitioner with the alleged crime and there is no recovery of any contraband from this petitioner. So, the provision of Section 37 of the NDPS Act is not attracted against the petitioner. The petitioner is in custody from 11.09.2024 for the past one year. The petitioner is ready to abide any condition and he may be released on bail. Moreover, the alleged CDR details connecting the petitioner could be examined only at the time of trial, the same is not sufficient for disentitling bail. In support of this argument, the learned counsel has relied on the judgment of the Hon'ble Supreme Court reported in **2022 (12) SCC 633 – Petition for Special Leave to Appeal (Crl)No.2080 of 2021** in the case of **State of Karnataka /v/ Munees Kavil Paramabath**).

5. The learned counsel for the petitioner in Crl.O.P.(MD)No.10361 of 2025 has submitted that this petitioner is arrayed as A4. He has been falsely implicated in this case on the basis of the confession statement of A1 to A3, he was arrested on 02.08.2024. The petitioner went to Tirunelveli on 01.08.2025 and stayed at Copper Leaf Hotel and when he visited Nellaiapper temple at 5.30 p.m., the Q.Branch police arrested him along with A5 and A7, that too prior to registration of FIR. The CCTV footage will prove the same, but the



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respondent police suppressed the same. The tower location of the petitioner's mobile will disclose these facts. The only material for implicating this petitioner is the confession statement of the co-accused, which is inadmissible and also is not sufficient for connecting with the crime. The respondent police completed the investigation and filed a final report alleging overtact against the petitioner, which is a call detail record CDR and another is confession statement. There is no recovery of contraband from this petitioner. The petitioner belonged to a reputed family and his grandfather is a lawyer and he is doing business in the export of garments with turnover of one crore for the past several years. A6, A7 and A9 are employees of this petitioner and therefore, he used to contact them over mobile phone in the normal course of business. The petitioner has not been involved in this case, the respondent police falsely implicated and he is in prison for the past one year. So, the petitioner may be granted bail. In support of his argument, the learned counsel for this petitioner relied on order of the Hon'ble Supreme Court passed in petition to Special Leave for Appeal (Crl)No.242 of 2022, dated 10.01.2022 and the order of this Court passed in Crl.O.P(MD)No.20770 of 2021, dated 15.03.2022.



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6. The learned Government Advocate (Crl.side) appearing for the respondent filed separate counters in all petitions and strongly objected the bail applications. There are totally 14 accused in this case. On secret information about the smuggling of 120 kgs ganja, the respondent police searched the lorry and arrested A1 to A3 on the spot with 120 kgs of ganja. A1 to A3 clearly gave a confession statement about the involvement of these petitioners. Based on their confession, the petitioners and other accused persons have been added as accused in this case. During the course of the investigation, it has been revealed that A1 and A10 had contacted A4, who is the kingpin of this smuggling, and informed him that they would procure the contraband from Andhra Pradesh. The petitioner/A4, in turn, got in touch with A7 to A9 through mobile phone and A7 to A9 agreed to smuggle the contraband to Sri Lanka via Tiruchendur by boat. The investigation agency collected the call details report (CDR) relating to the mobile numbers of the accused persons. The analysis of the petitioner's mobile number shows frequent contact with A4 (140 calls), A7 (28 calls), and A9 (179 calls), which shows close nexus of the petitioner with the other accused. Further CDR details reveals the fact that from 21.04.2024 to 01.08.2024, A1, A4 to A8, and A10 were in close contact and communication.



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The CDR is substantial evidence connecting the petitioners to the crime.

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In view of Section 29 of the NDPS Act, rigors stated in Section 37 of the NDPS Act would be applicable to the present case.

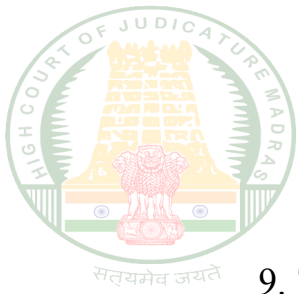
7. He further submits that the petitioners have previous cases, and if they are released on bail, they would again commit the same crime. So, the petitioners have not satisfied the twin conditions as per Section 37 of the NDPS Act. The confession statement of co-accused and CDR are admissible or not will be decided by the trial Court after appreciating the evidences adduced by both side. They cannot be decided at this stage, it is *prima facie* evident from the confession statement and CDR to connect the accused with this crime. Still, the main accused A9, A13 and A14 are absconding and so, if the petitioners are released on bail, they would flee away and the respondent's case would be affected and the petitioners will tamper and hamper the evidences. In support of his argument, the learned Government Advocate (Crl.side) relied upon the citations reported in **(2001) 7 SCC 673** in the case of **M.P. /v/ Kajad**; **(2009) 2 SCC 624** in the cse of **Union of India /v/ Tattan Malik Alishabul**; **(2011) 1 SCC 609** in the case of **Vijaysingh Chandubha Jadeja /v/ State of Gujarat** and **2022 SCC Online 891** in the case of **NCB v. Mohit Aggarwal**.



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Therefore, the petitioners are not entitled for bail. Hence, he strongly objected for bail.

8. Heard and perused the available records. It is seen from the records that A1 to A3 were arrested red handed with 120 kgs of contraband in the presence of revenue officials and upon their confession, the involvement of other accused came to light. There are 14 accused in this case. The petitioners mainly contended that the confession statement of the co-accused and the CDR are not sufficient material to connect the petitioners with the crime. It is replied by the respondent counsel that the respondent collected CDR details of the mobile phone of the petitioners with co-accused in mummer times and that the petitioner/A4 had 140 calls with other co-accused, likewise A7 had 28 calls and A9 had 179 calls. It is the case of smuggling of 120 kgs of ganja to Srilanga via Tiruneveli. So, there is *prima facie* material available against the petitioner. Moreover, upon confession of A1 to A3 and upon description of particulars, the petitioners were immediately arrested. The petitioners also have previous cases, which are not denied by them. A1 to A3 were arrested red handed with the possession of commercial quantity of 120 kgs ganja.



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9. The Hon'ble Supreme Court held in a catena of orders relating to bail matters under the NDPS Act that

"no person accused of an offence involving commercial quantity shall be released on bail unless the twin conditions laid down therein are satisfied, namely,(i)the public prosecutor has been given an opportunity to oppose the bail application; and (ii) the court is satisfied that there are reasonable grounds for believing that he is not guilty of such an offence and that he is not likely to commit any such offence while on bail. "

10. Moreover, while considering bail plea in case of NDPS Act cases, the Hon'ble Supreme Court held in catena of verdicts that as per provisions of Section 37 of the NDPS Act, the Court would have to record a satisfaction that there are grounds for believing that the accused is not guilty of the offence alleged and that he is not likely to commit any offence while on bail.

The provision of Section 37 of the NDPS Act is as follows:-

“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;



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(b) no person accused of an offence punishable for [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 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 sub section (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] ”

11. The Hon'ble Supreme Court in its order reported in **2024 INSC 114, S.L.P. Crl. No. 8137 of 2022 (State vs. B.Ramu), decided on 12.02.2024**, has also held that in case of recovery of such a huge quantity of narcotic substance, the Courts should be slow in granting even regular bail to the accused.

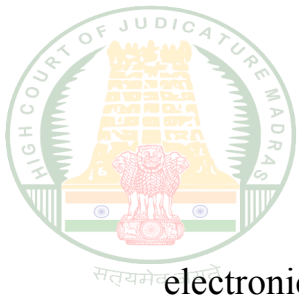
12. In this case, the petitioners state that they have been falsely implicated on the basis of the confession of the co-accused and CDRs, and



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there was no recovery of contraband from these petitioners. The petitioners also have previous cases. Therefore, it is on record that the petitioners have bad antecedents. The Hon'ble Supreme Court in Rattan Mallik case held that the absence of possession of the contraband on the person of the accused does not absolve it of the level of scrutiny required under Section 37(1)(b)(ii) of the NDPS Act.

13. The petitioners have further submitted that they were arrested at some other place, that too prior to registration of FIR, and they were not arrested at the place as alleged by the respondent police and the CCTV footage would prove the same. However, regarding electronic evidences, the Hon'ble Full Bench of the Supreme Court in **Anvar P.V's case** reported in **AIR 2015 SUPREME COURT 180** has clearly clarified that the person needs only to state in the certificate that the same is to the best of his knowledge and belief. Most importantly, such a certificate must accompany the electronic record, like computer printout, Compact Disc (CD), Video Compact Disc (VCD), pen drive, etc., pertaining to which a statement is sought to be given in evidence, when the same is produced in evidence. All these safeguards are taken to ensure the source and authenticity, which are the two hallmarks pertaining to the

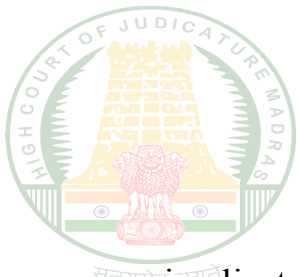


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electronic record sought to be used as evidence. Electronic records being more susceptible to tampering, alteration, transposition, excision, etc. without such safeguards, the whole trial based on proof of electronic records can lead to travesty of justice. Only if the electronic record is duly produced in terms of Section 65B of the Evidence Act, the question would arise as to the genuineness thereof and in that situation, resort can be made to Section 45A – opinion of examiner of electronic evidence." In this case, there is no such CCTV would have been obtained and the petitioners have taken steps to collect the same. Moreover, without opinion of the expert the footage cannot be considered for bail and the same could be appreciated by the trial Court.

14. The case on hand is taken on cognizance by the trial Court and the same is pending for trial. It is also alleged that A9, A13 and A14 are yet to be arrested. So, all the arguments of the petitioners could be decided by the trial Court only after adducing evidences and it would be inappropriate to discuss the evidence in depth at this stage because it is likely to influence the trial of the accused. But, from the perusal of the evidences, collected during investigation so far, *prima facie*, the involvement of the accused in the present case cannot be brushed aside at this stage. No reason is found to falsely

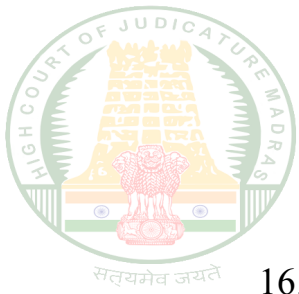


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implicate the petitioner/accused. **In Criminal Appeal No.(s) 154-157 of 2020, State of Kerala Vs. Rajesh and Others**, the Hon'ble Supreme Court has held on 24.01.2020 that the expression "reasonable grounds" means something more than *prima facie* grounds, and (ii) that person is not likely to commit any offence while on bail. It is the mandate of the legislature which is required to be followed. The non-obstante clause with which this Section starts should be given its due meaning and clearly it is intended to restrict the powers to grant bail. To check the menace of dangerous drugs and psychotropic substances flooding the market, the Parliament has provided that the person accused of the offences under the Act should not be released on bail during the trial unless the mandatory conditions provided under Section 37 of the Act, 1985 are satisfied.

15. It is seen from available records that the collected CDR reports of the petitioners' mobile phone with the co-accused mobile phone and number of calls, that cannot be denied, the petitioner/A4 also admitted that he has contacts during the course of business transactions, if so, the same could be decided only after full-fledged trial. These are to be examined by the Forensic Science Lab and other experts.



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16. It is further argued by the petitioners that they are in custody for the past one year. A ratio decidendi of the judgment of the Hon'ble Apex Court in **Anil Kumar Yadav Vs. State (N.C.T.) of Delhi and another, 2018 (1) CCSC 117** is that in serious crimes, the mere fact that the accused is in custody for more than one year may not be a relevant consideration to release the accused on bail. Therefore, this Court records that the prosecution prima facie produced sufficient materials that the petitioner would commit the same offence in case of release on bail because he is shown as habitual offender.

17. In **Criminal Appeal No(s).154-157 of 2020 (Supra)** the Hon'ble Supreme Court has held that liberal approach in the matter of bail under the NDPS Act, is uncalled for. The co-accused/A1 to A3 gave a clear confession about the involvement of the petitioners and the same can be agitated during the trial. No reason is found to falsely implicate the petitioners/accused. Therefore, there is no good ground to release the petitioners/accused on bail at this stage. All the contentions raised by the learned counsels for the petitioners pertain to the merits of the case and the same cannot be considered while considering the application for grant of bail. The petitioners have not put forth any improved changed circumstances from the dismissal of their earlier bail



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petitions. Therefore, considering the above facts and circumstances of the case and the gravity of the offence, this Court is not inclined to grant bail at this stage.

18. In the result, these Criminal Original Petitions are dismissed.

12.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
VSD

To

- 1.The Inspector of Police,
Narcotic Intelligence Bureau – CID,
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.VADAMALAI, J.

VSD

Pre - Delivery Order made in
Crl.O.P(MD)Nos.9437, 9591 and 10361 of 2025

12.09.2025