

Crl.O.P(MD).No.11189 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Reserved on :11.08.2025

Pronounced on :09.09.2025

PRESENT

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Crl.O.P(MD).No.11189 of 2025

Gowtham

...Petitioner/Accused No.4

Vs.

The State of Tamil Nadu rep. by
The Inspector of Police,
Keelaiyur Police Station,
Nagapattinam District.
(In Crime No.143 of 2024)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail in Crime No.143 of 2024 on the file of the respondent police.

For Petitioner	: Mr.E.Krishna Perumal
For Respondent	: Mr.B.Thanga Aravindh Government Advocate (Crl.side)



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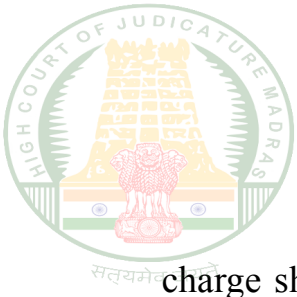
ORDER

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The petitioner seeks bail for the alleged offences U/s.8(c), 20(b)(ii)(C), 29(1) and 25 of the NDPS Act in Crime No.143 of 2024 on the file of the respondent police.

2. The case of the prosecution is that on secret information on 04.07.2024 at 9.00 a.m., the respondent police party stopped the vehicles of the petitioner and other accused and seized 200 kg of ganja on search and thereby, the petitioner and other accused were arrested. The vehicles were also seized.

3. The learned counsel for the petitioner has submitted that the petitioner is arrayed as Accused No.4, and he moved for bail before the Special Court for NDPS Act Cases. Thanjavur in Crl.M.P.No.7065 of 2024 and that petition was dismissed on the ground that the seized contraband is commercial quantity and also the investigation has not been completed. The petitioner was falsely implicated in this case on political motive. The recovery proceedings were not conducted in the presence of independent witnesses. Six police personnel were suspended as they indulged in screening the actual offenders. The petitioner has not committed any offence. Now the investigation has been completed and the



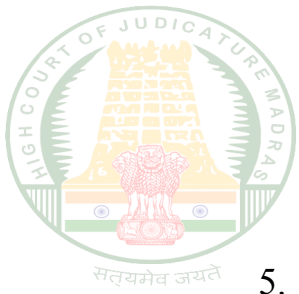
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charge sheet has been filed, so there is no question of tampering of evidence.

The petitioner is in custody from 04.07.2024 for the past one year.

The petitioner is ready to abide by any condition and so he may be granted bail.

4. The learned Government Advocate (Crl.side) for the respondent filed a counter and objected to grant bail. There are six accused and the petitioner is Accused No.4. A1 to A4 have been spot arrested as they have possession of commercial quantity of totally 200 kg of ganja. The petitioner is A4 and from the petitioner, 60 kg of contraband was recovered and from the co-accused, 140 kg of ganja was seized from cars. Along with contraband, cell phones and cars were also recovered. The petitioner has two previous cases U/s.284 of IPC and U/s24(1) of the COTPA Act. The case has been transferred to this respondent and this respondent filed a petition seeking an extension of time for further investigation and it was allowed by the trial Court. The petitioner, along with co-accused indulged in transporting 200 kg of ganja with the intention of trafficking into society and all the accused had WhatsApp link with Accused No.5. If the petitioner is released on bail, he would continue the same crime and also tamper with the evidences, hence, the petition for bail may be dismissed.



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5. Heard and perused the available records. It is seen from the records that the petitioner is arrayed as Accused No.4, who is said to have been arrested on the spot with possession of 60 kg ganja. The seized ganja, totaling 200 kg, is commercial quantity. The petitioner has not denied that he has 2 previous cases of other offence. 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. "

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 Hon'ble Supreme Court in its order reported in **2024 INSC 114, S.L.P.**



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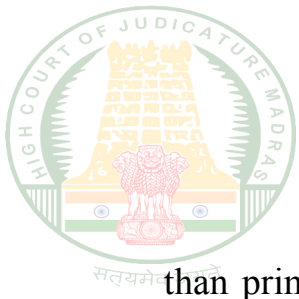
(Crl.)No.8137 of 2022 (State vs. B.Ramu), decided on 12.02.2024, has also

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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.

6. In this case, the petitioner has been arrested red handed with 60 kg of ganja on the spot. So, it is *prima facie* presumed that the petitioner has direct involvement of this offence. The petitioner has further submitted that he was falsely implicated in this case upon political motive, and the original police team was suspended on the grounds that they indulged in screening the actual offenders. However, it is not appropriate to discuss the same in depth at this stage because it is likely to influence the trial of the accused and it would be decided by the trial Court after adducing both side evidences. But, from the perusal of the evidences, collected during the 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 implicate the petitioner/accused.

7. In Criminal Appeal No(s).**154 -157 of 2020** in the case of **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



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than prima-facie grounds, and (ii) that the 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.

8. 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. Therefore, it is quite clear that an order of bail cannot be granted in an arbitrary or fanciful manner. Though the investigating agency filed charge sheet, that alone would not suffice to grant bail. Moreover, a ratio decidendi of the judgment of the Hon'ble Apex Court in the case of **Anil Kumar Yadav Vs. State (N.C.T.) of Delhi and Another** reported in **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. So, long period of incarceration relating to the case of the



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NDPS Act is not a ground for bail. Therefore, there is no good ground to release the petitioners/accused on bail at this stage. All the contentions raised by the learned counsel for the petitioner pertain to the merits of the case and the same cannot be considered while considering the application for grant of bail. Therefore, considering the above facts and circumstances of the case and the gravity of the offence, this Court is not inclined to grant bail to the petitioner at this stage.

9. In the result, this Criminal Original Petition is dismissed.

.09.2025

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

To

- 1.The Inspector of Police,
Keelaiyur Police Station,
Nagapattinam 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
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