



CRL OP(MD) No.21278 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27.02.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD) No.21278 of 2024

Nohan

... Petitioner/ Accused No.7

Vs

The State of Tamilnadu,
Rep. by the Sub Inspector of Police,
Periyakulam Police Station,
Theni District.
Crime No.135 of 2024

... Respondent/ Complainant

For Petitioner : Mr.S.Selvakrishnan

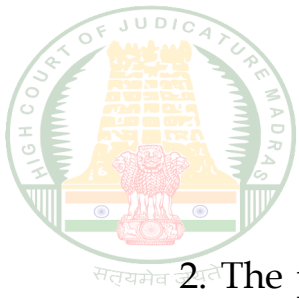
For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For bail in Crime No.135 of 2024 on the file of the respondent-police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 03.12.2024 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant



CRL OP(MD) No.21278 of 2024

WEB COPY

2. The petitioner was arrested and remanded to judicial custody on 09.08.2024 for the alleged offences punishable under Sections 8(c), 20(b)(ii)(A), 22(c), 25 and 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.135 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that based on the secret information, on 30.06.2024, at about 10:00 a.m., when the defacto complainant, along with his team, was conducting vehicle check-up on Periyakulam-Kumbakarai Road, they found that in two vehicles, bearing registration Nos.KL-54-G-6124 and TN-33-BV-2230, A1 to A6 were jointly in illegal possession of 81.63 gms of METH @ methamphetamine, 0.22 gms of LSD @ Lysergic acid diethylamid, 0.80 gm of cocaine and 100 gms of ganja. Based on the confession of A1 that the petitioner was the mastermind behind this crime, he has been arrayed as A7 and arrested on 09.08.2024. Hence, the case.

4. Mr.S.Selvakrishnan, the learned counsel appearing for the petitioner, submits that the petitioner is only 19 years old and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner has been falsely implicated in this case and the petitioner was not present at the place of occurrence. He further submits that the petitioner has been in judicial custody from 09.08.2024. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public



CRL OP(MD) No.21278 of 2024

WEB COPY

Prosecutor appearing for the respondent-police, submits that the petitioner is hailing from Kerala. He further submits that the petitioner was the mastermind behind this crime and the petitioner has one previous case, which is also similar in nature. He further submits that if this Court grants bail to the petitioner, he will repeatedly indulge in similar type of offence and also will delay the trial proceedings. Therefore, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the Case Diary.

7. Totally, eight accused persons were involved in this case and all of them were arrested and have been in judicial custody. It is true that the petitioner has been implicated in this case based on the confession of A1. On perusal of the CD file, this Court is of the view that the Investigating Agency collected prima facie material against the petitioner. In this circumstances, this Court is of the view that the petitioner has not established the prima facie case, in view of the rigor stated under Section 37 of Narcotic Drugs and Psychotropic Substances Act, 1985. Considering the same and also considering facts and circumstances and nature of offence allegedly committed by the petitioner and considering the fact that the further custody of the petitioner is necessary in this case, this Court is of the view that granting an order of bail would likely result in a delay in the trial by the petitioner. Hence, this Court is not inclined to grant bail to the petitioner.



CRL OP(MD) No.21278 of 2024

WEB COPY

8. In this circumstances, this Court requests the learned Principal Special Judge, Principal Special Court of EC and NDPS Act cases, Madurai, to conclude the trial within a period of three months from today.

9. The respondent-police and the petitioner are directed to cooperate with the Trial Court for expeditious disposal of this case.

10. In case, the Trial Court did not conclude the trial within a period of three months from today, the petitioner is at liberty to file a fresh bail application.

11. Accordingly, this Criminal Original Petition stands dismissed.

sd/-
27/02/2025

/ TRUE COPY /

28/02/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

APD
TO

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

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE SUB INSPECTOR OF POLICE,
PERIYAKULAM POLICE STATION,
THENI DISTRICT.

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

<https://www.mmc.tn.gov.in/judis>



WEB COPY



CRL OP(MD) No.21278 of 2024

ORDER
IN
CRL OP(MD) No.21278 of 2024
Date :27/02/2025

SA/SAR. /28.02.2025/5P/5C

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