



CRL OP(MD) No.20408 of 2024

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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.20408 of 2024

Yasar Muther

... Petitioner/ Accused No.4

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.J.Vishnu

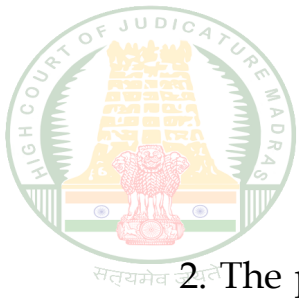
For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

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 21.11.2024
under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant



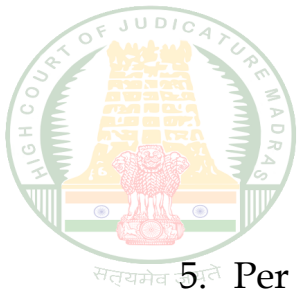
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2. The petitioner was arrested and remanded to judicial custody on 01.07.2024, for the alleged offences punishable under Sections 8(c), 20(b)(ii)(A), 22(c), 25 and 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.135 of 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 (including the petitioner/ A4) were jointly in illegal possession of 81.63 gms of METH @ methamphetamine, 0.22 gms of LSD @ Lysergic acid diethylamid and 0.80 gm of cocaine and 100 gms of ganja. The respondent-police seized 5.73 gms of METH @ methamphetamine and 0.11 gms of LSD @ Lysergic acid diethylamid, which comes under the purview of commercial quantity. The petitioner was arrested on 01.07.2024. Hence, the case.

4. Mr.J.Vishnu, the learned counsel appearing for the petitioner, submits that the petitioner has not committed any offence as alleged by the prosecution. He further submits that the petitioner has been falsely implicated in this case. He further submits that the petitioner has been in judicial custody from 01.07.2024. He therefore prays to grant bail to the petitioner.



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5. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent police submits that the respondent-police seized 5.73 gms of METH @ methamphetamine and 0.11 gms of LSD @ Lysergic acid diethylamid, which comes under the purview of commercial quantity, from this petitioner/A4 alone. He further submits that the petitioner has one previous case, which is 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 records and Case Diary.

7. Totally, eight accused persons were involved in this case and all of them were arrested and have been in judicial custody. The contraband, which comes under the purview of commercial quantity, has been seized from the petitioner at the spot itself. The petitioner has one previous case, which is similar in nature. In this circumstances, this Court is of the view that the petitioner has not discharged 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 quantity of the contraband and considering the fact that the further custody of the petitioner is necessary in this case, this Court is of the view that the granting of bail would likely result in a delay in the



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trial by the petitioner. Hence, this Court is not inclined to grant bail to the petitioner

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at this stage.

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

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27/02/2025
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 OFFICER INCHARGE
SUB JAIL
THENI DISTRICT.



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

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

ORDER
IN
CRL OP(MD) No.20408 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.