



CRL OP(MD). No.20824 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 28.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.20824 of 2024

S.Vijayakumar

... Petitioner/ A13

Vs

1.The State of Tamilnadu,
Rep.By the Inspector of Police,
Keerathurai Police Station,
Madurai City.
(Crime No.374 of 2023)

2.The Inspector of Police,
NIB-CID,
Madurai.

... Respondents/Complainant

(R2 is impleaded as per common order of the Court dated 11.12.2024 in Crl.O.P.
(MD)Nos.20644 and 20824 of 2024)

For Petitioner : Ms.P.Sivaranjini
for P.Thanga Prithvi Rajan

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

PETITION FOR BAIL Under Sec.483 of BNSS



CRL OP(MD). No.20824 of 2024

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PRAYER : To release the petitioner / accused on bail in Crime No.374 of 2023 in C.C.No.256 of 2024 now pending on the file of the Special Principal District Judge for EC and NDPS Act Cases, Madurai.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 26.11.2024 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner / A13 was arrested and remanded to judicial custody on 22.09.2023 for the alleged offences punishable under Sections 8(c) read with 20(b)(ii) (C), 25 and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.374 of 2023 on the file of the first respondent-police. After investigation, the charge sheet has been filed and the same was taken on file in C.C.No.256 of 2024 on the file of the Special Principal District Judge for EC and NDPS Act cases, Madurai.

3. The case of the prosecution is that on 09.05.2023, at about 17.15 hours, based on secret information, the respondent-Police conducted raid on Thoothukudi Ring Road near Hano Joseph Hospital. At that time, they intercepted a car bearing Registration No.TN 85 E 8763. On search, they found that the accused persons were in illegal possession of 40 kgs of Ganja. Based on the confession of A2, the respondent-Police reached Sathankulam, Thoothukudi District, where 2050 kgs of



CRL OP(MD). No.20824 of 2024

Ganja was found hidden in a godown. Hence the case.

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4. Ms.P.Sivaranjini, the learned counsel appearing for the petitioner, submits that the petitioner did not commit any offence as alleged by the prosecution and that he has been falsely implicated in this case. She further submits that the petitioner has been roped as an accused based on the confession said to have been given by the co-accused. She further submits that the petitioner was not present in the scene of crime and no contraband was recovered from him. She further submits that the prosecution agency has not collected any incriminating material to connect the petitioner with the crime. She further submits that the petitioner has been in judicial custody since 22.09.2023. In support of her arguments, she relied on the order passed in the case of Ganesan vs. 1.The State, represented by the Inspector of Police, Sinthupatti Police Station, Madurai District and another in CrI.O.P.(MD)No.20770 of 2021 dated 15.03.2022. She however submits that the petitioner is ready to abide by any condition to be imposed by this Court. She therefore prays to grant bail to the petitioner.

5. In response to the above submissions, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that in this case there are totally 14 accused persons and the petitioner has been arrayed as A13. He further submits that totally 2090 kgs of Ganja was seized from the accused



CRL OP(MD). No.20824 of 2024

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persons and that the petitioner and other accused persons conspired together and planned to transport Ganja from Andhara Pradesh to Srilanka through the petitioner's boat. He further submits that charges under Section 29 of the NDPS Act has been made. He further submits that as per the directions of this Court, trial commenced and 9 witnesses were examined and that all the accused persons are inside the prison and that at this stage, if bail is granted to the petitioner, the petitioner may abscond and thereby delay the trial proceedings. He further submits that another case was registered against the petitioner under the NDPS Act for commercial quantity and that the petitioner is a habitual offender. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records.

7. Admittedly, as per the directions of this Court in CrI.O.P.(MD)No.16800 of 2024 dated 17.10.2024, trial commenced and PW1 to PW9 were examined. Now, the case is posted for examination of further prosecution evidence. Moreover, all the accused are inside the prison. In view of the facts and circumstances and in view of the antecedents of the petitioner and the stage of the trial, if bail is granted to the petitioner at this stage, the petitioner may abscond and thereby delay the trial proceedings. Hence, this Court is not inclined to grant bail to the petitioner at this stage of trial. Accordingly, the Criminal Original Petition is dismissed.



CRL OP(MD). No.20824 of 2024

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8. Since all the accused are inside the prison, the learned Special Principal District Judge for EC and NDPS Act cases, Madurai is requested to conclude the trial in a speedy manner. The petitioner and the prosecution agency are directed to co-operate with the Trial Court for expeditious trial.

sd/-
28/03/2025

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/05/2025

Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MBI

TO

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

2.THE INSPECTOR OF POLICE,
KEERATHURAI POLICE STATION, MADURAI CITY.

3.THE INSPECTOR OF POLICE,
NIB-CID, MADURAI.

4. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

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



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CRL OP(MD). No.20824 of 2024

ORDER IN
CRL OP(MD) No.20824 of 2024
Date :28/03/2025

PR/28.05 .2025 6P/6C

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