



CRL OP(MD) No.20912 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD).20912 of 2024

P.Rameshpandi

... Petitioner / Accused No.2

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
NIB-CID,
Dindigul District.
(Crime No.5 of 2022)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail to the petitioner in Crime No.5 of 2022 in C.C.No.27 of 2024 pending before the learned Special Principal District Judge for EC and NDPS Act Cases, Madurai on the file of the respondent-police.

For Petitioner : Mr.NA.Manimaran, Advocate.

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

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 27.11.2024 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.



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2. The petitioner/accused no.2 was arrested and remanded to judicial custody on 29.10.2024 for the alleged offences punishable under Sections 8(c) r/w 20(b)(ii)(C), 25 and 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985, in connection with Crime No.5 of 2022 in C.C.No.27 of 2024 pending before the learned Principal Special Judge for EC and NDPS Act Cases, Madurai.

3. The case of the prosecution is that on 30.03.2022, at about 23:30 hours, based on secret information, the de facto complainant, who is the Inspector of Police, along with his team, reached the spot and found that the accused persons were in possession of 215 kg of ganja, worth approximately Rs.21,50,000/-. The accused were subsequently arrested, and the contraband was seized. Hence, the case.

4. Mr.NA.Manimaran, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner/A2 has been in judicial custody since 29.10.2024. He further submits that the petitioner has been arrayed as Accused No.2 in this case and no contraband was recovered from the petitioner. He further submits that the petitioner was not involved in the commission of the alleged offences. The petitioner has been arrayed as an accused only based on the confession statement. He further submits that investigation has been completed and charge sheet was filed in C.C. No.934 of 2022 before the learned Principal Special



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Judge for EC and NDPS Act cases, Madurai. The present case has been split up from the said mother case as against the petitioner in C.C. No. 27 of 2024. The mother case was ended conviction against A1 (Arun Kumar) and A3 (Shanmugam) and acquittal of A2 (Raja @ Puduraja) by the judgment dated 30.09.2024. The petitioner has been arrayed as an accused based on the confession statement that the SIM card registered in his name was used by Accused No. 2 (Raja @ Puduraja), who was acquitted after a full trial in the main case. Thereafter, the petitioner was arrested on 29.10.2024 and till the date he has been in incarceration. The petitioner has permanent residence and accordingly, he prays to grant bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that the respondent-police seized 250 kgs of ganja worth about a sum of Rs.21,50,000/- from Accused No.1. The respondent-police, after following the Act and Rules, seized the contraband which is a commercial quantity. The petitioner has not satisfied the twin conditions stated under Sections 34 and 37 of the NDPS Act and accordingly, he prays for the dismissal of this petition.

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

7. Originally, the petitioner was arrayed as Accused No.5 in C.C. No. 934 of 2022. Subsequently, the case was split up against Accused No. 4 (Balu) and Accused



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No. 5 (Ramesh Pandi, the petitioner herein) as C.C. No. 27 of 2024. In the main case in C.C. No. 934 of 2022, Accused No. 2 (Raja @ Puduraja), whose confession led to the petitioner being arrayed as an accused in this case, was acquitted. The petitioner has been in judicial custody since 29.10.2024.

8. Considering the facts and circumstances of the case, the overt act alleged against the petitioner, the petitioner is the first offender and also considering the fact that only based on the confession statement of the co-accused, who was acquitted in the main case, the petitioner has been arrayed as an accused, this Court is of the view that the petitioner has satisfied the twin condition stated in Section 37 of the NDPS Act. Hence, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the satisfaction of the learned Principal Special Judge for EC and NDPS Act Cases, Madurai. Among two sureties one shall be a blood surety.

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of



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Practice, 2019']. The learned Principal Special Judge for EC and NDPS Act Cases,

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Madurai shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023.

(iv) The petitioner shall not commit an offence similar to the offence of he is accused, or suspected, of the commission of which he is suspected.

(v) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(vi) The petitioner shall appear and sign before the learned Special Principal Judge for EC and NDPS Act Cases, Madurai on all working days at 10.30 a.m. until further orders.

(vii) The petitioner shall not leave Tamil Nadu without prior permission of the Trial Court.

(viii) The petitioner shall appear and co-operate with the Trial Court for speedy disposal of the case.

(ix) The petitioner shall furnish his residential address and mobile number to the concerned Principal Special Judge for EC and NDPS Act Cases, Madurai.



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(x) On breach of any of the aforementioned conditions, the learned Special Principal District Judge for EC and NDPS Act Cases, Madurai is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

9. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
17/02/2025

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/02/2025
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PAL

To

1.The Principal Special Judge for EC and NDPS Act Cases,
Madurai.

2.The Inspector of Police,
NIB CID,
Dindigul District.

3.The Officer Incharge,
District Prison, Dindigul.



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4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.NA.MANIMARAN, Advocate (SR-1737[I] dated 17/02/2025)

ORDER
IN
CRL OP(MD) No.20912 of 2024
Date :17/02/2025

ED/ SKN /SAR- (18/02/2025) 7P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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