



CRL OP (MD) No.21062 of 2024

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

Date : 24/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.21062 of 2024

D.Sheik Sulaiman

... Petitioner/ A6

Vs.

The State of Tamil Nadu
Rep. by
The Deputy Superintendent of Police,
NIB-CID, Madurai City.
Crime No.4 of 2024

... Respondent/Complainant

For Petitioner : Mr.M.Jegadeesh Pandian,
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS, 2023

PRAYER :-

For Bail in Crime No.4 of 2024 on the file of the Respondent-Police.



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ORDER: The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 29.11.2024 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/Accused No.6 was arrested and remanded to judicial custody on 24.05.2024 for the offences punishable under Sections 8(c), 22(C), 25 and 29(1) of Narcotics Drugs and Psychotropic Substances, Act, 1985, in Crime No.4 of 2024, on the file of the respondent-Police.

3. The case of the prosecution is that, based on secret information, on 22.02.2024 at about 16:00 hours, the respondent-police, along with an informer, proceeded to Ayyanar Temple Street, K.K.Nagar, Madurai. There, they found A1 transporting a white-coloured gunny bag and a stainless steel trunk on a Honda Activa two-wheeler bearing Registration No.TN-63-AP-3135. Upon conducting a search, the respondent-police discovered various types of drugs in the form of powders, liquids, and tablets, namely, (1) Amphetamine - 250 grams, (2) Pseudoephedrine - 150 grams, (3) White-coloured cake-like substance resembling



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glucose - 300 grams, (4) White-coloured crystal sticks - 850 grams, (5) Brown-shaded white powder - 4.750 kgs, (6) White powder - 8 kgs, (7) White urea powder - 10.500 kgs, (8) Brown powder - 0.900 grams, (9) Pink-coloured tablets - 72 Nos., (10) Acetone liquid - 5 litres, (11) Sodium hydroxide pellets (97% extra pure, in a plastic can) - 2.300 grams, and (12) Brown-coloured liquid - 3 litres. Based on the confession of A1, the petitioner herein has been arrayed as A6. Hence, the case.

4. Mr.M.Jegadeesh Pandian, learned counsel appearing for the petitioner, submits that the petitioner has not committed any offence as alleged by the prosecution and that a false case has been foisted against the petitioner. He further submits that no contraband has been recovered from the petitioner herein. He further submits that except for the confession statement, no other material was seized from the petitioner. He however submits that the petitioner has been in judicial custody since 24.05.2024 and is ready to abide by any conditions to be imposed by this Court. Therefore, he prays for granting bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that the first accused used



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to purchase contraband from the seventh accused, mix it with certain chemicals, and pass the said chemicals through this petitioner to the third and fourth accused for sample checking, and thereafter distribute it in the market. He further submits that the petitioner herein was acted as a mediator between the accused persons. He further submits that the petitioner herein has contacted the first accused for nearly 45 times and the third accused for nearly 219 times. He further submits that there is no previous case pending against the petitioner. He further submits that if bail is granted to the petitioner, he may abscond and thereby cause delay in the investigation proceedings. Hence, he strongly opposes to grant bail to the petitioner.

6. Heard on both sides and perused the case file.

7. On a bare perusal of the CD file, it is seen that, except for the confession statement, no other material is available to show that the petitioner committed the crime, and no contraband was recovered from the petitioner. Admittedly, the petitioner has no previous case. Hence, this Court is of the view that rigors stated in Section 37 of the NDPS Act would not be applicable to the present petitioner. In



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view of the above, this Court is of the opinion that the further custody of the petitioner is not necessary for the Investigating Agency in this case. To be noted, the above view is recorded only for the purpose of deciding the bail petition. The above view, in any way, would not cause any prejudice to the rights of the prosecution in establishing the case during the trial.

8. Further, the petitioner has permanent residence and deep roots in the society, and hence, there is less possibility of absconding. Considering the same, and also considering the fact that CDR details are not sufficient to establish the involvement of the petitioner in the crime, 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 Trial of NDPS Act Cases, Madurai;

(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 Trial of NDPS Act Cases, Madurai, shall obtain a copy of any one of identity proofs to ensure their identity;

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(iii) The petitioner shall furnish his residential address and mobile number to the learned Principal Special Judge for Trial of NDPS Act Cases, Madurai;

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

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

(vi) 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;

(vii) 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; and



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(vii) On breach of any of the aforementioned conditions, learned Principal Special Judge for Trial of 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/-
24/04/2025

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/04/2025
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

TO

1. THE PRINCIPAL SPECIAL JUDGE, FOR TRIAL OF NDPS ACT CASES,
MADURAI.

2. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.



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3. THE DEPUTY SUPERINTENDENT OF POLICE,
NIB-CID, MADURAI CITY.

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

ORDER IN
CRL OP(MD) No.21062 of 2024
Date :24/04/2025

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