



CRL OP (MD) No.21807 of 2024

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

Date : 21/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.21807 of 2024

Ambethkumar

... Petitioner/ Accused No.5

Vs.

State of Tamil Nadu
Rep. by The Inspector of Police,
NIB CID Madurai Police Station,
Madurai District.
(Crime No.4 of 2024)

... Respondent/Complainant

For Petitioner : Mr.N.Senthilnathan
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

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 09.12.2024 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/A5 was arrested and remanded to judicial custody on 21.07.2024 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 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)



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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 A5. Hence, the case.

4. Mr.N.Senthilnathan, learned counsel appearing for the petitioner, submits that the petitioner is an innocent person, that he 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 the petitioner has been in judicial custody since 21.07.2024 and is ready to abide by any conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that five previous cases are pending against the petitioner for offences punishable under the Indian Penal Code, 1860. He further submits that the petitioner has been arrayed as A5 and that he is the driver of A1, who was arrested in possession of the drugs. He further submits that the petitioner is a close associate of the other accused persons and had assisted A1 in transporting the drugs in a car bearing Registration No. TN-45-AF-3615, fully knowing that the other accused persons were involved in drug trafficking. He also submits that, upon verification of the CDR (Call Detail Records), it was found that the petitioner was using two SIM cards, and from the second SIM, he contacted A1



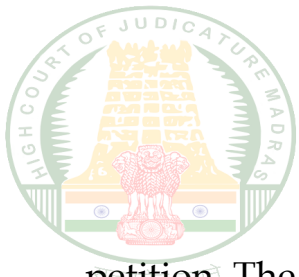
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on 93 occasions. On the date of the occurrence, the petitioner was found to be in the same tower location. Therefore, he submits that the petitioner has a nexus with the other accused persons in the transportation of the drugs and was one of the beneficiaries of the said act. He further submits that the investigation is still pending, and at this stage, if the petitioner is enlarged on bail, there will abscond and thereby cause delay in the investigation. Accordingly, he strongly opposes to grant bail to the petitioner.

6. Heard on both sides and perused the records including the First Information Report (FIR) and CDR (Call Detail Records).

7. The petitioner has been arrayed as A5 based on the confession of A1. He was arrested on 21.07.2024 and has been in judicial custody since then. The petitioner was working as a driver under A1. It is noted that the petitioner contacted A1 on 93 occasions during the period from 01.03.2023 to 01.05.2024. This Court is of the opinion that, since the petitioner was only employed as a driver by A1, the frequent contact with A1 (his employer) is not unusual. Except for the CDR particulars, there are no other materials available on record to directly connect the petitioner with the commission of the present crime. Therefore, the rigours stated under Section 37 of the NDPS Act would not be applicable to the petitioner (A5). To be noted, the above view is recorded only for the purpose of deciding the bail



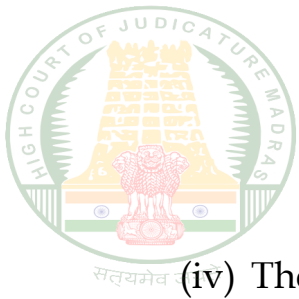
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petition. The above view, in any way, would not cause any prejudice to the rights of the prosecution in establishing the case during the trial. Considering the same and also considering the period of incarceration and taking note of the fact that since the petitioner has permanent residence, there is less possibility of absconding, 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 Judge, Principal Special Court for cases under EC and Narcotics Drugs and Psychotropic Substances 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 Practice, 2019']. The learned Judge, Principal Special Court for cases under EC and Narcotics Drugs and Psychotropic Substances Act Cases, Madurai shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish his residential address and mobile number to the learned Judge, Principal Special Court for cases under EC and Narcotics Drugs and Psychotropic Substances Act Cases, Madurai;



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(iv) The petitioner shall appear and sign before the learned Judge, Principal Special Court for cases under EC and Narcotics Drugs and Psychotropic Substances Act Cases, Madurai on all working days at 10.30 am 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 which 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

(viii) On breach of any of the aforementioned conditions, learned Judge, Principal Special Court for cases under EC and Narcotics Drugs and Psychotropic Substances 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].



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8. Accordingly, this Criminal Original Petition is allowed subject to the conditions

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stated supra.

sd/-
21/04/2025

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22/04/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO

1. THE JUDGE, PRINCIPAL SPECIAL COURT FOR CASES UNDER EC AND NARCOTICS DRUGS AND PSYCHOTROPIC SUBSTANCES ACT CASES, MADURAI.

2. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

3. THE INSPECTOR OF POLICE, NIB CID MADURAI POLICE STATION, MADURAI DISTRICT.

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

+1. CC to SENTHILNATHAN N Advocate SR.No.4464 DT.21/04/2025

ORDER IN
CRL OP(MD) No.21807 of 2024
Date :21/04/2025

PR/22.04.2025 7P/6C

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