



Crl.O.P.(MD)Nos.21994 of 2024 and 581 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on	20.01.2025
Delivered on	22.01.2025

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD) Nos.21994 of 2024 and 581 of 2025

Crl.O.P.(MD) No.21994 of 2024

Thangapandi

... Petitioner

Vs.

The Inspector of Police,
SS Colony Police Station,
Madurai City.
(Crime No.625 of 2024)

... Respondent/Complainant

Crl.O.P.(MD) No.581 of 2025

Vantala Chinna

... Petitioner

Vs.

The Inspector of Police,
SS Colony Police Station,
Madurai,
Madurai District.
(Crime No.625 of 2024)

... Respondent/Complainant



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COMMON PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, for bail in Crime No.625 of 2024 on the file of the Respondent Police.

For Petitioners : Mr.J.Selvam
in Crl.O.P. (MD) No.21994 of 2024
Mr.S.Sukumar
in Crl.O.P. (MD) No.581 of 2025

For Respondent : Mr.S.Ravi
Additional Public Prosecutor
(in both petitions)

COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 29.08.2023 for the offences under Sections 8(C) r/w 20(b)(ii) (C) and 29(1) of the 'Narcotic Drugs and Psychotropic Substances Act 1985' (hereinafter referred to as 'NDPS Act' for brevity), on the file of the respondent, seek bail.

2.The case of the prosecution is that on 23.09.2024, the Sub-Inspector of Police who was on duty received an information from the Manager of the Professional Couriers, Bypass Road, Madurai, that they have received a parcel in the name of one Vicky from one M.Jashwa



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Kondasantha, Andhra Pradesh, by describing the parcel as wooden toy.

However, they found that a smell was emanating which was misleading and they developed suspicion and informed the police. Based on this information, it was recorded in the General Diary and it was informed to the immediate superior and the police personnel visited the courier office along with the Village Administrative Officer and opened the parcel and found 11 packets which smelt ganja. It was weighed and the total weight was about 22 kilograms. It was brought to the police station and a report was submitted under Section 57 of the NDPS Act.

3. The further case of the prosecution is that on 25.09.2024, a similar information was received from the professional couriers that two parcels have come in the same name and it has been sent by the same sender. After completing the formalities, when the police personnel went to the spot, they found 6 packets which smelt ganja. When it was weighed, the total weight was about 24 kilograms.

4. Insofar as the first recovery, Crime No.621 of 2024 was registered. For the second recovery, Crime No.625 of 2024 was



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registered.

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5. In the course of investigation, it was ascertained that the mobile number 9363752013 that was mentioned in the parcel stood in the name of one Dinesh. This person had a relationship with A2 and had handed over the SIM card to A2. In turn, A2 had handed over the SIM card to A1. A1 is said to have used this SIM card and along with A2 and A4, purchased contraband from A5. Initially, A1 and A2 were arrested on 23.09.2024 at about 19.15 hours and at that time, initially 2 kilograms of ganja was seized from A1. A3 was also present in that place and he escaped and thereafter, he was arrested on 25.09.2024 and 1.200 kilograms was seized from A3. A4 was arrested on 19.10.2024 and from him, 500 grams was seized. All this arrest took place in Crime No.621 of 2024. Insofar as Crime No.625 of 2024, A1 and A2 were formally arrested on 11.10.2024. A5 was arrested on 01.10.2024 in Crime No.621 of 2024 and formally arrested in Crime No.625 of 2024 and in both cases, A5 was remanded to judicial custody on 04.10.2024. In both the cases, there are 5 accused persons and the petitioners have been arrayed as A3 and A5.



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6. The learned counsel for the petitioner submitted that insofar as A3 is concerned, what was seized was only 1.200 kilograms of ganja and there was absolutely no material to rope in A3 and make him a part of the seizure of 22 kilograms of ganja in Crime No.621 of 2024 and 24 kilograms of ganja in Crime No.625 of 2024. It was submitted that the individual seizure that was made from A3 cannot be clubbed along with the commercial quantity that was seized based on the information received from the Professional Courier. Even insofar as the previous cases, it was submitted that A3 was acquitted in one of the case and in the other case, 1.500 kilograms of ganja was involved in which A3 pleaded guilty and was convicted.

7. Insofar as A5 is concerned, it was submitted that no recovery was made from A5 and there was no material to connect A5 to the seizure made from the Professional Courier.

8. The learned Additional Public Prosecutor appearing on behalf of the respondent police by placing reliance upon the counter-



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affidavit filed by the respondent submitted that this is a new method adopted by transporting ganja through courier service. The learned Additional Public Prosecutor submitted that A1 to A4 had joined together and paid the money to A5 and the entire seizure is attributable to all the accused persons who must be construed to be in conscious possession as contemplated under Section 35 of the NDPS Act. The learned Additional Public Prosecutor further submitted that A3 was found in possession of 1.200 kilograms of ganja. A3 had been in contact with A1 and called from mobile phone at least on two occasions. Thereafter, they were in contact by making WhatsApp calls and they deleted the call details and hence, the mobile phones that were seized from A1 and A3 have been sent for analysis to Forensic Science Laboratory to retrieve the WhatsApp call logs. The learned Additional Public Prosecutor further submitted that even in the earlier case which ended in acquittal, A3 was arrayed as A1 in that case and A1 in this case was arrayed as A3 in that case. After coming out on bail, they have once again involved in drug trafficking. That apart, A3 is involved in another case where he pleaded guilty and was convicted by the Special Court.



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9. The learned Additional Public Prosecutor further submitted that A5 is the supplier of the contraband and he had despatched the entire contraband through courier. A1 had contacted A5 from his mobile phone for nearly 177 times. That apart, a sum of Rs. 30,000/- was also deposited by A1 to the account of A4 and within 30 minutes, this amount was transferred to Andhra Pradesh and there are materials to establish that the amount was received by A5. That apart, there is also material to show that sufficient amount was transferred from the account of the daughter of A2 to the account of A5. Only thereafter the consignments were despatched in both the cases on 20.09.2024 and 21.09.2024. The learned Additional Public Prosecutor further submitted that A5 is involved in another case in Crime No.32 of 2021 which is a case of commercial quantity and after coming out on bail A5 is involved in two more cases which are under investigation in Crime Nos.621 and 625 of 2024. Hence, the learned Additional Public Prosecutor vehemently opposed the grant of bail to both the petitioners.

10.This Court has carefully considered the submission made on either side and the materials available on record.



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11. In the case in hand, a new method has been adopted for drug trafficking by means of courier service. The contraband has been sent from Andhra Pradesh and it has been received in Madurai. The specific case of the prosecution is that A1 to A4 together are involved in getting the contraband which was sent by A5. The phone communication between A1 and A5 has been traced at least on 177 occasions. Insofar as A3 is concerned, the investigation officer is awaiting for the report from FSL for retrieving the WhatsApp call logs. A3 and A5 are already involved in NDPS offence and A3 was in fact convicted and sentenced in a case after pleading guilty. A5 has one pending case for commercial quantity. The investigation is in a very crucial stage since the involvement of the accused persons is now sought to be established through the telephone calls made. That apart, the contraband which otherwise would have missed the notice of the police, fortunately has come to their notice due to the information given by the Professional Couriers. To establish the conscious possession of the contraband in both the cases, phone numbers have been traced and the money transaction between some of the accused persons has also been traced. Hence, this



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Court is not inclined to enlarge the petitioners on bail at this stage pending investigation. If the petitioners are enlarged on bail at this stage, it will certainly impact the investigation and there are all chances of tampering with the evidence. Considering the previous antecedents of the petitioners, this Court finds that the second limb of Section 37 of the NDPS Act is not satisfied.

12. In the light of the above discussion, this Court is not inclined to enlarge the petitioners on bail and this Court wants to await for the completion of the investigation by the respondent police. According, these Criminal Original Petitions are dismissed.

22.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PKN



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- To
- 1.The Inspector of Police,
SS Colony Police Station,
Madurai, Madurai City.
 - 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH,J.

PKN

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Dated: 22.01.2025