



CRL OP(MD). No.22313 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/01/2025

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.22313 of 2024

R.Pandiyaraj

... Petitioner/ Accused 1

Vs

The State of Tamilnadu,
Rep.By the Inspector of Police,
NIB CID,
Sivagangai District.
Cr. No.01/2023.

... Respondent/ Complainant

For Petitioner : M/s. Manimaran.Na,
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER:- To grant bail for the Petitioner/Accused in Crime No. 01/2023 in C.C.No.178/2023 of II Additional District and Sessions Judge for EC and NDPS Cases, Pudukottai on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on

22.03.2024 for the offences under Sections 8(c) r/w 20(B)(ii)(c), 25 and 29(i) of NDPS

<https://www.mhc.tn.gov.in/judis>



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Act and sections 468, 471 and 420 of IPC in C.C.No.178 of 2023 on the file of the learned II Additional District and Sessions Judge for EC and NDPS Cases, Pudukottai in Crime No.01 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the police, on a search from a car seized contraband to the tune of 196 Kg of Ganja. On completion of investigation, the police report came to be filed and the same was taken on file in C.C.No.178 of 2023 by the Principal Special Court for EC and NDPS Act cases, Pudukottai. There were totally nine accused persons in this case and out of the same, 7 accused persons (A1, A2, A4, A5, A6, A7 and A9) were faced trial. The case was split up insofar as A3 and A8 are concerned and the split up case was numbered as C.C.No.258 of 2023. The case in C.C.No.178 of 2023 ended in acquittal by judgment, dated 09.12.2024. In the split up case in C.C.No.258 of 2023, the petitioner has been arrayed as A1. The petitioner was arrested and remanded to judicial custody in this case on 22.03.2024.

3. The learned Additional Public Prosecutor appearing for the respondent police submitted that as against the judgment of acquittal, steps are being taken to file an appeal. He further submitted that four previous cases against the petitioner and out of the same, two cases are the offence under the NDPS Act. He further submitted that A2 is absconding in this case and non bailable warrant is pending.

4. The learned Counsel appearing for the petitioner submitted that the



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judgment of acquittal passed in favour of the other accused persons will enure in favour of the petitioner also. He further submitted that the petitioner has suffered incarceration from 22.03.2024. He further submitted that there was no recovery from the petitioner. He was not even present in the scene of crime and he has been roped in in this case only based on the confession of the co-accused.

5.This Court has carefully considered the submissions made on either side and the materials available on record.

6.Taking into consideration the facts and circumstances of the case and considering the fact that the parent case in C.C.No.178 of 2023 ended in acquittal and the petitioner is now facing the split up case in C.C.No.258 of 2023 and the petitioner has suffered incarceration from 22.03.2024 and taking note of the fact that there are four previous cases against the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions.

7. Accordingly, the criminal original petition is ordered and the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned Presiding Officer, Principal Special Court for EC and NDPS Act Cases, Pudukottai and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the



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surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall appear before the trial Court during every hearing date without fail.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS 2023.

sd/-
08/01/2025

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09/01/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

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1 THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE
FOR EC & NDPS CASES,
PUDUKOTTAI.

2 THE PRESIDING OFFICER,
PRINCIPAL SPECIAL COURT FOR EC AND NDPS ACT CASES,
PUDUKOTTAI.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE,
NIB CID,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.NA.MANIMARAN, Advocate (SR-261[I] dated 08/01/2025)

ORDER

IN

CRL OP(MD) No.22313 of 2024

Date :08/01/2025

SA/SAR. /09.01.2025/5P/7C

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