

CrI.O.P.(MD) No.22945 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Reserved on	31.01.2025
Delivered on	05.02.2025

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.(MD) Nos.22945 of 2024 and 199, 289, 635, 1127, 1271 and 1872 of 2025

CrI.O.P.(MD) No.22945 of 2024

Manoj @ Manojkumar

... Petitioner/ Accused No.20
in CrI.O.P(MD) No.22945 of 2024

Vs.

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Kundrakudi Police Station,
Sivagangai District.
Crime No.112 of 2024

... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to enlarge the petitioner/ Accused No.20 on bail in Crime No.112 of 2024 pending on the file of the respondent police.

in CRL OP(MD). 199/ 2025 :

Abilash Varma @ Rudraraju Sai Abhilash Varma, ... Petitioner/ Accused No.5
in CRL OP(MD). 199/ 2025

- Vs. -



CrI.O.P.(MD) No.22945 of 2024

WEB COPY

The State of Tamilnadu Rep. by the Inspector of Police,
Kundrakudi Police Station, Sivagangai District.
Crime No.112 of 2024

... Respondent/Complainant
in CRL OP(MD). 199/ 2025

Prayer in CRL OP(MD). 199/ 2025 :
For Bail in Crime No. 112 of 2024 on the file of the Respondent Police.

in CRL OP(MD). 289/ 2025 :

Vasantha Kumar

... Petitioner/ Accused No.14
in CRL OP(MD). 289/ 2025

- Vs. -

The State of Tamilnadu Rep by the Inspector of Police,
Kundrakudi Police Station,
Sivagangai District.
Crime No.112 of 2024.

... Respondent/Complainant
in CRL OP(MD). 289/ 2025

Prayer in CRL OP(MD). 289/ 2025 :
For Bail in Crime no.112 of 2024 on the file of the Respondent Police.

in CRL OP(MD). 635/ 2025 :

Mathumithan

... Petitioner/ Accused No.16
in CRL OP(MD). 635/ 2025

- Vs. -



CrI.O.P.(MD) No.22945 of 2024

WEB COPY

The State of Tamilnadu Rep.By the Inspector of Police,
Kundrakudi Police Station,
Sivagangai District.
(Crime No.112 of 2024)

... Respondent/Complainant
in CRL OP(MD). 635/ 2025

Prayer in CRL OP(MD). 635/ 2025 :
For Bail in Crime No.112 of 2024 on the file of the respondent police.

in CRL OP(MD). 1127/ 2025 :

Imalraja

... Petitioner/ Accused rank not known
in CRL OP(MD). 1127/ 2025

- Vs. -

State of Tamil Nadu The Inspector of Police,
Kundrakudi Police Station
Sivagangai District.
(Crime No.112 of 2024).

... Respondent/Complainant
in CRL OP(MD). 1127/ 2025

Prayer in CRL OP(MD). 1127/ 2025 :
For Bail in Crime No.112 of 2024 on the file of the respondent police.

in CRL OP(MD). 1271/ 2025 :

Vidya Sagar

... Petitioner/ Accused No.1
in CRL OP(MD). 1271/ 2025



CrI.O.P.(MD) No.22945 of 2024

WEB COPY

- Vs. -

The State of Tamilnadu Rep. by the Inspector of Police,
Kundrakudi Police Station,
Sivagangai District.
(In Crime No. 112 of 2024)

... Respondent/Complainant
in CRL OP(MD). 1271/ 2025

Prayer in CRL OP(MD). 1271/ 2025 :
For Bail in Crime No.112/2024. on the file of the respondent police.

in CRL OP(MD). 1872/ 2025 :

Hariharan

... Petitioner/ Accused No.15
in CRL OP(MD). 1872/ 2025

- Vs. -

The State of Tamil Nadu, Rep. by the Inspector of Police,
Kundrakudi Police Station,
Sivagangai District.
(Crime No. 112 of 2024)

... Respondent/Complainant
in CRL OP(MD). 1872/ 2025

Prayer in CRL OP(MD). 1872/ 2025 :
For Bail in Crime No. 112 of 2024 on the file of the respondent police.



Crl.O.P.(MD) No.22945 of 2024

WEB COPY For Petitioners

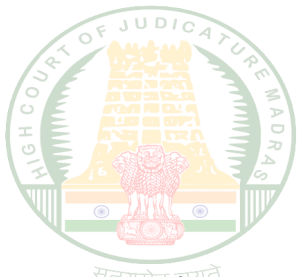
: Mr.S.Chandrasekar
for Crl.O.P(MD) No.1271 of 2025
Mr.C.Senthil Murugan
for Crl.O.P(MD) No.289 of 2025
Mr.M.Solaisamy
for Crl.O.P(MD) No.635 of 2025
Mr.S.Ramesh Kumar
for Crl.O.P(MD) No.1127 of 2025
Mr.A.Ananda Raj
for Crl.O.P(MD) No.199 of 2025
Mr.R.L.Dhilipan Pandian
for Crl.O.P(MD) No.22945 of 2024
Mr.D.Ramesh Kumar
for Crl.O.P(MD) No.1872 of 2025

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

COMMON ORDER

The petitioners/accused, who were arrested and remanded to judicial custody for the offences under Sections 8(C) r/w 20(b)(ii)(C), 25 and 29(1) of the 'Narcotic Drugs and Psychotropic Substances Act, 1985' (hereinafter referred to as 'NDPS Act' for brevity), and Section 111 of BNS, on the file of the respondent, seek bail.

2. The case of the prosecution is that the Sub-Inspector of Police received

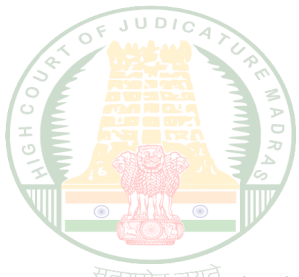


CrI.O.P.(MD) No.22945 of 2024

सत्यमेव जयते
WEB COPY

an information on 07.07.2024 at about 13.00 hours and based on the same, the police party reached the spot and they found a car in which five persons were seated. They were enquired and at that point of time, the Sub-Inspector of Police noticed the presence of one Thirupathi, Manikkavasagam and Subash (A1 to A3), who are involved in ganja cases. On seeing the police, all the three fled away from the place in a two-wheeler without a registration number. In the meantime, the car that was found in the spot also escaped from there. On conducting a search in that place which is under the bridge, 61 bundles were found and it was identified as ganja. The Sub-Inspector of Police passed on the information to the toll gates in order to trace the car in which five persons escaped. Insofar as the ganja bundles found in the spot, it was seized and weighed in the presence of the Revenue Inspector and Village Administrative Officer and 122 kilograms of ganja was recovered. Thereafter, the FIR came to be registered.

3. The further case of the prosecution is that the car which escaped from the scene of occurrence was intercepted near Samayapuram toll gate by the police and A2 to A6 in the final report were present in the car and they were arrested and they were found in possession of 2 kilograms of ganja. In the course of investigation, the involvement of the other accused persons came to light. The involvement of A13



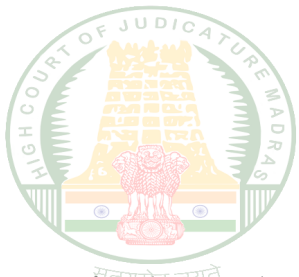
Crl.O.P.(MD) No.22945 of 2024

सत्यमेव जयते
WEB COPY

came to light based on the confession of A9. A13 had met A1 and identified the buyers for the contraband. Thus, the buyers are A9, A10 and A12. A11 arranged for the shifting and unloading of the contraband. Based on the confession of A13, the involvement of A14 to A21 came to light since A13 spoke about A14 and thereafter, A14 spoke about A15 to A21. There are totally 21 accused persons in this case and the petitioners have been arrayed as A2, A6, A12, A13, A15, A16 and A18.

4. The learned counsel appearing on behalf of A2 and A6 submitted that even though the prosecution has come up with the case that the car was intercepted at Samayapuram toll gate and 2 kilograms of ganja was seized, there is absolutely no material to show as to who really seized this ganja and who was in possession of 2 kilograms of ganja. That apart, no police officer from Samayapuram has been examined on the side of the prosecution and straightaway it is stated that the Sivagangai police arrested and also seized the 2 kilograms of ganja which allegation is not substantiated by any materials filed along with the police report.

5. Insofar as A12, A13, A15, A16 and A18 are concerned, it was submitted that they have all been roped in this case based on the confession of the co-accused and there was no recovery of contraband from any of these accused persons. It was

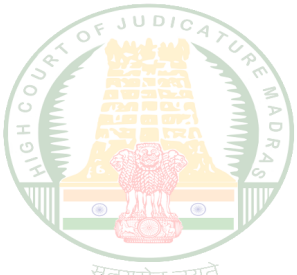


CrI.O.P.(MD) No.22945 of 2024

WEB COPY

further submitted that the so called communication between the different accused persons has not been substantiated in terms of any phone call details. Insofar as A12 is concerned, it was based on the confession of A1 and A9. Insofar as A13 is concerned, it was based on the confession of A9 and in fact, A13 was inside the jail when a formal arrest was made in this case on the ground that the conspiracy happened inside the jail. The detention order was passed against A13 and it was also revoked later. Insofar as A15 and A16 and A18 are concerned, it was submitted that they all came into the scene only based on the confession and nothing more.

6. Per contra, the learned Additional Public Prosecutor by relying upon the counter-affidavit filed in these petitions submitted that insofar as A2 and A6 are concerned, their identity has been established since they were travelling in the car which was found under the bridge from where they escaped and were intercepted at Samayapuram toll gate. The learned Additional Public Prosecutor further submitted that the recovery of 2 kilograms of ganja from the car in which A2 to A6 travelled has also been established. Insofar as the other accused persons are concerned, the learned Additional Public Prosecutor submitted that there are *prima facie* materials against them and insofar as A12, there are four previous cases for IPC offence. Insofar as A13, there are four previous cases for involvement in IPC offence. For A15, A16 and A18,



CrI.O.P.(MD) No.22945 of 2024

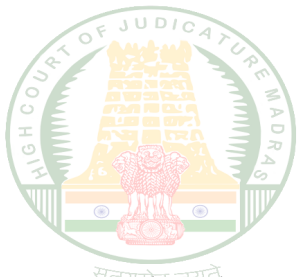
वेत्यमेव जयते
WEB COPY

there is one previous case under the NDPS Act. Hence, it was contended that all the accused persons joined together and had a common intention in furtherance of which the ganja was procured from Andhra Pradesh and was brought in by a vehicle bearing registration number of Andhra Pradesh and was attempted to be smuggled.

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

8. This Court has to first deal with the case of A2 and A6 in CrI.O.P.(MD) No.1271 and 199 of 2025. These two accused persons had travelled along with A3, A4 and A5 in the car bearing registration number of Andhra Pradesh. This car was identified by the police on the spot under the bridge and after the car escaped from the spot, the car number was transmitted to all the toll gates and the car was ultimately intercepted at Samayapuram Toll gate. Even though an attempt was made to contend that the recovery of 2 kilograms of ganja is highly doubtful, the same is not very material since 122 kilograms of ganja has been seized from the spot where this car was identified and the persons who were travelling in the car, obviously, will have the knowledge and they can all be roped in under Section 35 of the NDPS Act.

Therefore, even though there are no previous cases against A2 and A6 in Tamil



CrI.O.P.(MD) No.22945 of 2024

WEB COPY

Nadu, these two persons belonged to Andhra Pradesh and there are no mandatory violations pointed out insofar as these two accused persons are concerned. Hence, the twin conditions under Section 37 of the NDPS Act has not been satisfied.

9. This Court has to now take up the case of the other accused persons in CrI.O.P.(MD) Nos.22945 of 2024, 289 of 2025, 635 of 2025, 1127 of 2025 and 1872 of 2025 which involves A18, A13, A16, A12 and A15.

10. The involvement of A14 to A21 was not known till A13 was arrested. The starting point was the arrest of A13 based on the confession of A9. He was inside the jail in Crime No.301 of 2024 pertaining to Sivagangai Taluk Police Station. At that time, he said to be in contact with A9 and the confession of A9 brought in the involvement of A13. Hence, A13 was ultimately arrested on 14.10.2024. Subsequently, he was detained under Act 14 of 1982 and the detention order was later revoked. Thereafter, based on the confession of A13, the involvement of A12 came to light. According to the case of the prosecution, A1 met A13 and asked him to identify buyers for the contraband and accordingly, A13 identified A9, A10 and A12. A11 was assisting in the shifting and unloading of the contraband and he had arranged A14 to A21 for unloading.



CrI.O.P.(MD) No.22945 of 2024

WEB COPY

11. There is no recovery from any of these accused persons and all of them have been roped in based on the confession of the co-accused and nothing more. In view of the same, they have strong arguable case and this Court also takes into consideration the long incarceration suffered by these accused persons.

12. This Court is also taking note of previous cases against these accused persons. This Court also takes into consideration the fact that the investigation has been completed and the police report has been filed and the case is now pending in C.C.No.1 of 2025 before the Special Court, Pudukottai, and hence, this Court is inclined to grant bail to the petitioners/A18, A13, A16, A12 and A15 subject to the following conditions:

13. Accordingly, the petitioners/A18, A13, A16, A12 and A15 in CrI.O.P. (MD) Nos.22945 of 2024, 289 of 2025, 635 of 2025, 1127 of 2025 and 1872 of 2025 are 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 Principal Special Court for NDPS Act Cases, Pudukottai and on further conditions that:-



CrI.O.P.(MD) No.22945 of 2024

WEB COPY

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the Trial Court during every date of hearing without fail;

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

[d] the petitioners 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 petitioners 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 of B.N.S.2023.



Crl.O.P.(MD) No.22945 of 2024

WEB COPY

14. In the result, this Court is not inclined to enlarge the petitioners/ A2 and A6 on bail and accordingly, the Criminal Original Petitions in Crl.O.P.(MD) No.1271 and 199 of 2025 are dismissed. Crl.O.P(MD) Nos.22945 of 2024, 289 of 2025, 635 of 2025, 1127 of 2025 and 1872 of 2025 are allowed.

sd/-
05/02/2025

/ TRUE COPY /

12/02/2025

Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

PKN
TO

- 1 THE PRINCIPAL SPECIAL JUDGE
FOR NDPS ACT CASES, PUDUKOTTAI.
- 2 THE INSPECTOR OF POLICE,
KUNDRAKUDI POLICE STATION,
SIVAGANGAI DISTRICT.
- 3 THE OFFICER INCHARGE,
BORSTAL SCHOOL, PUDUKOTTAI.
- 4 THE OFFICER INCHARGE,
DISTRICT PRISON, PUDUKOTTAI.
- 5 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.



CrI.O.P.(MD) No.22945 of 2024

WEB COPY

6 THE OFFICER INCHARGE,
SUB JAIL, SIVAGANGAI.

7 THE SUPERINTENDENT
CENTRAL PRISON, PUDUKOTTAI.

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

+1 CC to M/s.M.SOLAISAMY, Advocate (SR-1403[I] dated 05/02/2025)

+1 CC to M/s.S.CHANDRASEKAR, Advocate (SR-1385[I] dated 05/02/2025)

ORDER
IN

CrI.O.P.(MD) Nos.22945 of 2024 and 199, 289, 635, 1127, 1271
and 1872 of 2025
Date :05/02/2025

SS/SAR- /12/02/2025/ 14P/11C

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