



CRL OP(MD). No.23157 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.23157 of 2024

P.Vellaisamy

... Petitioner/ Accused No.3

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Peraiyur Police Station,
Madurai.
Crime No. 204/2024.

... Respondent/Complainant

For Petitioner : Mr.R.L.Dhilipan Pandian

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.204 of 2024 on the file of the respondent-police.

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



CRL OP(MD). No.23157 of 2024

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 24.12.2024 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioner/ Accused No.3 was arrested and remanded to judicial custody on 30.09.2024 for the alleged offences punishable under Sections 8(c), 20(b)(ii)(C), 25, 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.204 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that based on secret information, on 30.09.2024, at about 06:10 hours, the Special Sub-Inspector of Police, along with his team, was on patrol duty near Paraiyur Perumal Temple Street. At that time, the police intercepted one person who was carrying a white gunny bag. On seeing the police, he ran into his house. Thereafter, the police apprehended him, and on inquiry and search of his house, the police found that he was in possession of 74 kgs of ganja, which was seized from him. Based on his confession, the police arrested the petitioner, seized 500 gms of ganja, and arrayed the petitioner as Accused No. 3. Hence, the case.



CRL OP(MD). No.23157 of 2024

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4. Mr.R.L.Dhilipan Pandian, the learned counsel appearing for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner has been in judicial custody since 30.09.2024. He therefore prays to grant bail to the petitioner.

5. Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that totally, there are five accused persons in this case, out of which four accused were arrested and Accused No.5 is abscond. He further submits that if this Court grants bail to the petitioner, he may abscond. He further submits that the petitioner has no previous case. However, the petitioner did not satisfy twin conditions stated in Section 37 of the NDPS Act. Hence, he prays to dismiss the Criminal Original Petition.

6. Heard on both sides. This Court has perused the records. This Court has perused the FIR.

7. The petitioner was arrested on 30.09.2024 and has been in judicial custody.

The respondent-police arrested the Accused No.1 and also seized 74 kgs of kanja



CRL OP(MD). No.23157 of 2024

from him and based on the alleged confession of him, the Accused Nos.2 and 3 were arrested and the police seized 500 gms of kanja from Accused No.3 and 4. In view of the same, this Court is of the view that the rigour stated in Section 37 of Narcotic Drugs and Psychotropic Substances Act, 1985 would not be applicable to the present petitioner. Hence, considering the quantity of contraband allegedly seized from the petitioner (500 gram of ganja which is a small quantity) and considering the period of incarceration and considering the fact that the petitioner is a first offender and with a view to give an opportunity to the petitioner, 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, the Principal Special Court for EC and NDPS 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, the Principal Special Court for EC and NDPS



CRL OP(MD). No.23157 of 2024

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

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

(iv) 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;

(v) 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;

(vi) The petitioner shall furnish his residential address and mobile number to the concerned Judicial Magistrate;

(vii) The petitioner shall appear and sign before the learned Judge, The Principal Special Court for EC and NDPS Cases, Madurai, daily at 10.00 a.m., until further orders; and



CRL OP(MD). No.23157 of 2024

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(viii) On breach of any of the aforementioned conditions, the learned Judge, The Principal Special Court for EC and NDPS 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].

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

sd/-
17/02/2025

/ TRUE COPY /

18/02/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

APD
TO

1 THE JUDGE,
PRINCIPAL SPECIAL COURT FOR EC AND NDPS CASES,
MADURAI.

2 THE INSPECTOR OF POLICE,
PERAIYUR POLICE STATION,
MADURAI DISTRICT.

3 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.



CRL OP(MD). No.23157 of 2024

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

+ 1 CC TO Mr.R.L.Dhilipan Pandian, ADVOCATE IN SR No. 1742(I) DATED
18/02/2025

ORDER
IN
CRL OP(MD) No.23157 of 2024
Date :17/02/2025

SS/SAR- /18/02/2025/ 7P/6C

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