



CRL OP(MD). No.9673 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/02/2026

PRESENT

The HONOURABLE MRS. JUSTICE S.SRIMATHY

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Venkatram,
S/o.Ayyar,

... Petitioner/Accused

Vs

The State of Tamil Nadu,
Rep By,
The Inspector of Police,
Nib - Cid Police Station,
Trichy District.
Cr.No.17 of 2023..

... Respondent/Complainant

For Petitioner : M.Dinesh Hari Sudarsan,
For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- To enlarge and release the petitioner on bail in Cr.No.17 of 2023 in C.C.No.61 of 2024 on the file of the Respondent police before the Principal Special Court for Trail of Narcotic Drugs and Psychotropic Substances Act cases, Pudukkottai.



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ORDER : The Court made the following order :-

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For Petitioner : Mr.M.Dinesh Hari Sudarsan,
Advocate.
For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER : The Court made the following order :-

The petitioner/Accused no.4 was arrested and remanded to judicial custody on 05.01.2024 for the alleged offences punishable under Sections 8(c) r/w 20(b)(ii)(C), 25 and 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.17 of 2023 on the file of the respondent-police. After investigation, the charge sheet has been filed and the same was taken on file by the Principal Special Court for Trial of NDPS Act Cases, Pudukkottai in C.C.No.61 of 2024.

2. The case of the prosecution is that, on 05.12.2023, at about 08:00 a.m., the defacto complainant, the Inspector of Police, along with his team, was conducting an inspection at Trichy Railway Station to ascertain whether any ganja was being transported in the Howrah Express. At that time, while the respondent-police were conducting checks on the 4th and 5th platforms, Accused Nos.1 and 2 were found

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behaving in a suspicious manner. On seeing the police, A2, after handing over a shoulder bag to A1, fled from the spot. A1 was apprehended, and upon enquiry, it was found that they were in possession of 22 kgs of ganja. A1 gave a confession statement stating that two other accused persons were waiting outside in a car. Based on this information, the respondent-police went outside and arrested A3. Another accused person, who was in the car bearing Registration No.TN-55-BW-9597, escaped from the scene by driving the car away. A3, in his confession statement, stated that the said vehicle belonged to the petitioner (A4) and was being driven by A5. On further enquiry, it was revealed that the accused persons had purchased the ganja from Andhra Pradesh and transported it by train. The petitioner (A4) was subsequently arrested on 05.01.2024. Hence, the case.

3. The learned counsel for the petitioner, submitted that the petitioner is an innocent person and that he has not committed any offence as alleged by the prosecution and also submitted that no previous case is pending against the petitioner. He further submitted that the petitioner has been arrayed as Accused No.4 in this case and no



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contraband was recovered from the petitioner. He submitted that the respondent-police, without conducting a proper preliminary enquiry, arrayed the petitioner as A4 solely based on the confession statement given by co-accused. He further submitted that A3 was granted bail by this Court in Crl.O.P.(MD) No.2470 of 2025, *vide* order dated 26.02.2025. He further submitted that C.C.No.61 of 2024 has been posted for framing of charges and, therefore, the trial is not likely to be completed within a short span of time. He also submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Accordingly, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent-police, submitted that the respondent-police, after complying with the provisions of the Act and Rules, seized 22 kgs of ganja from A1, which constitutes a commercial quantity. He further submitted that the call detail records, tower location data, and monetary transactions between the accused persons were placed before this Court, which *prima facie* establish the involvement of the petitioner in the commission of the



offence. Hence, rigors stated in Section 37 of the NDPS Act would be applicable to petitioner. Therefore, he vehemently opposes to grant bail to the petitioner, stating that if bail is granted, the petitioner may abscond and thereby delay the trial proceedings. Accordingly, he prays to dismiss the petition.

5. As per the prosecution the petitioner along with the co-accused was having 22 Kgs of ganja, which is commercial quantity and no previous case is pending against the petitioner.

6. While considering the bail application under NDPS, the Court ought to consider whether the accused is satisfying the twin conditions stated in section 37 of the NDPS Act, since the provision states that no person is entitled to bail unless the accused is satisfying the twin test prescribed under the section. The said section is extracted hereunder:

"[37. Offences to be cognizable and non-bailable.—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974),—



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(a) every offence punishable under this Act shall be cognizable;

(b) no person accused of an offence punishable for 3[offences under section 19 or section 24 or section 27A and also for offences involving commercial quantity] shall be released on bail or on his own bond unless—

(i) the Public Prosecutor has been given an opportunity to oppose the application for such release, and

(ii) where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

(2) The limitations on granting of bail specified in clause (b) of sub-section (1) are in addition to the limitations under the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force on granting of bail.]"

7. The section states to issue notice to the Public Prosecutor. This Court had issued notice to the Public Prosecutor and the learned



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Additional Public Prosecutor appearing for the respondent / prosecution vehemently opposed for granting bail. Hence the said condition is satisfied.

8. The section further states if the Public Prosecutor opposes the bail, then the Court ought to satisfy itself the twin test,

- a. that there are reasonable grounds for believing that he is not guilty of such offence and*
- b. that he is not likely to commit any offence while on bail.*

9. The learned counsel for the petitioner submitted that no previous case is pending against the petitioner and also submitted that the petitioner is the owner of the car and he was not present in the scene of occurrence.

10. For the reasons stated supra, this Court is of the considered opinion that the petitioner is entitled to bail and the petitioner satisfying the twin tests and accordingly the same is granted with certain conditions.



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11 . Accordingly, 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 Principal Special Court for Trial of Narcotic Drugs and Psychotropic Substances Act cases, Pudukkottai. and on further conditions that,

- (i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;
- (ii) the petitioner shall report before the Trial Court daily at 10.30 a.m., for two weeks and thereafter, at 10.30 a.m., once in a week and on all date of hearing until further orders;
- (iii) the petitioner shall not tamper with evidence or witness;
- (iv) the petitioner shall not abscond during trial;
- (v) 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



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down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

- (vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

12. Accordingly, this Criminal Original Petition for bail is allowed.

(S S Y J)

20.02.2026

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TO

1. The Principal Special Court for Trail of Narcotic Drugs and Psychotropic Substances Act cases, Pudukkottai.
2. The Superintendent,
Central Prison,
Tiruchirappalli.
3. The Inspector of Police,
Nib - Cid Police Station,
Trichy District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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S.SRIMATHY,J

TTA

**ORDER
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