



CRL OP(MD). No.11424 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23.01.2026

PRESENT
THE HONOURABLE MRS. JUSTICE S.SRIMATHY

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Sathyaraj

... Petitioner/ Accused

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
NIB-CID Police Station,
Trichy.
Crime No.78/2017.

... Respondent

For Petitioner : Mr.M.Jayapal
Advocate.

For Respondent : Mr.T.Senthil Kumar
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.78 of 2017 on the file of the respondent



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Police.

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ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 14.12.2024 for the offences punishable under Section 8(c) r/w Section 20 (b)(ii)(C) and 25 of NDPS Act in Crime No. 78/2017 on the file of the respondent police, seeks bail.

2. Since the petitioner has not appeared before the Trial Court on 15.06.2022, the petitioner was issued with Non Bailable Warrant against him on 15.06.2022 by the learned Special Judge for EC and NDPS Cases, Pudukottai in C.C.No.14 of 2018 in connection with Crime No.78 of 2017, on the file of the respondent-police.

3. The case of the prosecution is that the petitioner and other



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accused was in illegal possession of 121 kg of ganja. Hence the case.

4. 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 he could not appear before the trial court, due to which Non Bailable Warrant was issued. He further submitted by citing e-courts status that L.W.1, 3 and 5 are absent and the prosecution side could not produce the witnesses for hearing from 09.12.2025 to 12.01.2026 and hence, requested to grant bail to the petitioner. To substantiate his contentions, he relied upon the judgment of High Court of Punjab & Haryana at Chandigarh in *Kuldeep Singh vs. State of Punjab* (CRM-M-18926-2025, dated 10.07.2025), wherein it has been held as under:

"8. The right to a speedy and fair trial is an intrinsic part of the right to life and personal liberty enshrined under Article 21 of the Constitution of India. It



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applies equally to trials under special statutes like the NDPS Act, howsoever grave the allegations may be.

9. What stares glaringly from the record is a clear pattern of neglect and indifference on the part of the prosecution witnesses, who, despite repeated judicial orders, have failed to honour summons and warrants. That such conduct emanates from police officials – entrusted with the task of upholding the rule of law – is deeply concerning and unacceptable. It reflects complacency, which cannot be condoned.

10. The menace of drug trafficking is indeed a grave threat, steadily corroding, the social fabric and destroying countless lives. But the seriousness of the offence cannot become a licence to trample upon constitutional safeguards. Detaining an accused indefinitely due to the sheer nonchalance of the prosecution amounts to an abuse of process. The repeated absence of police witnesses, despite coercive measures ordered by the Court, exhibits not just a casual approach but blatant disregard for judicial authority."

5. The learned Government Advocate (Crl.Side) opposed to grant anticipatory bail to the petitioner.



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6. Considering the facts and circumstances of the case and also considering the period of incarceration and also considering the failure on the part of prosecution in producing witnesses, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, on condition that the petitioner shall execute 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 Special Judge for EC and NDPS Cases, Pudukottai, within a period of fifteen days from the date of receipt of a copy of this order and on further conditions that:

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;



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[b] the petitioner shall report before the learned Special Judge for EC and NDPS Cases, Pudukottai, daily at 10.00 a.m. until the trial is completed;

[c]the petitioner shall not tamper with the 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 is 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



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FIR can be registered under Section 269 of BNS.

(SSYJ)
23.01.2026

apd

TO

1. The learned Special Judge for EC and NDPS Cases,
Pudukottai.
2. Do-Through The Chief Judicial Magistrate,
Pudukottai District.
3. The Superintendent,
Central Prison.
4. The Inspector of Police,
NIB-CID Police Station,
Trichy.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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S.SRIMATHY,J
apd

ORDER
IN
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