



CRL OP(MD). No.12931 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25.03.2026

PRESENT

THE HONOURABLE MR. JUSTICE P. DHANABAL

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Aathithiyan

...Petitioner/Accused

Vs

State of Tamil Nadu rep. by
The Inspector of Police,
Cumbum South Police Station,
Theni District
(Crime No. 244 of 2024)

...Respondent/Complainant

For Petitioner : Mr.G.Karuppasamy Pandiyan
For Respondent : Mr.B.Nambi Selvan
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Cr.No. 244 of 2024 on the file of the respondent police.



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ORDER : The Court made the following order :-

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The petitioner / A2, who was arrested and remanded to judicial custody on 13.11.2024 for the offences punishable under Sections 8(c)r/w. 20(b)(ii)(c) and 29(1) and 25 of NDPS Act in Crime No.244 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 13.11.2024 at about 16.30 hrs based on the secret information the respondent police found the petitioner along with other accused in illegal possession of 21kgs of ganja. . Hence the case.

3. The learned counsel for the petitioner would submit that the respondent police has registered a false case against the petitioner and he has not committed any offence as alleged by the prosecution. Even according to the case of prosecution the petitioner along with A1 travelled in a vehicle and A1 was found in possession of 5kg of ganja and this petitioner has possessed 4 kg of contraband. A3 to A5 had travelled in another vehicle where each of them had 4 kgs of ganja , thereby the total contraband involved in this case is 21kgs. However by clubbing some



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other persons they counted the entire contraband as commercial quantity.

The petitioner has been arrested and remanded to judicial custody on 13.11.2024 and no similar kind of previous cases are pending against the petitioner. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that petitioner along with other accused were found in conscious possession of commercial quantity of 21kgs of ganja and from this petitioner 4 kgs of ganja was recovered. Further in this case A6 who belongs to Andhra Pradesh is still absconding and the CDR report also reveals the actual participation of the petitioner along with other accused and the case stands posted to 01.04.2026 for execution of Non Bailable Warrant as against A6. He would also submit that the petitioner has some previous case. Hence, he opposed to grant bail to the petitioner.

5. This Court heard both sides and perused the materials available on record.

6. Considering the rival submissions made by the learned counsel on either side and though the prosecution projected the case as if quantity



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involved in this case is commercial quantity a perusal of the record reveals that contraband recovered from this petitioner is 4 kgs. This petitioner and A1 travelled in a vehicle and the other accused A2 to A5 travelled in another vehicle separately and the contraband was recovered separately from each accused. Therefore once the contraband recovered from A1 and A2 in a separate vehicle the quantity will not come under commercial quantity. so far as this petitioner is concerned since he travelled in a separate vehicle it cannot be treated as commercial quantity and thereby the contraband involved in respect of this petitioner is not commercial quantity. The petitioner is in judicial custody from 13.11.2024 and still Non Bailable Warrant is pending as against A6 and there is no likelihood of case taking up for hearing in the near future. Though the petitioner has some previous cases, already bail was granted to him in those cases and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to 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 Principal Special Court



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for NDPS Act Cases, Madurai and on further conditions that:

[b] the petitioner shall report before the trial Court on all working days at 10.30 a.m., and 5.30 p.m., until further orders.

[c] the petitioner shall not commit any offence similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

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

[e] 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 her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] On breach of any of the aforesaid conditions, the learned Judicial 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].



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[g] If the accused thereafter absconds, a fresh FIR can be

registered under Section 269 BNS.

(P D B J)

25.03.2026

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To

- 1.The Principal Special Court for NDPS Act Cases, Madurai
- 2.The Inspector of Police,
Cumbum South Police Station,
Theni District
3. The Superintendent, Central Prison, Trichy
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P. DHANABAL, J

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ORDER
IN
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