

IN THE COURT OF THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

Present: **Thiru.A.Kanthakumar, M.L.,**
Principal District and Sessions Judge,
Virudhunagar District at Srivilliputtur.

Dated this the 12th day of June 2026, Friday .

Cr.M.P. No.1630/2026

1. Ganesan (A2)

2. Muthukumar (A3)

... Petitioners/Accused.

/ Vs /

State through the Inspector of Police,

Nathampatti P.S.

Cr.No.98/2026

U/s.303(2) of BNS r.w. 21(1) of Mines and

Minerals (Development and Regulation) Act.

... Respondent/ Complainant.

This petition coming on this day before me for hearing in the presence of Thiru. S.Maikannan, Advocate for the petitioners and Thiru.S.Thirumalaiappan, Public Prosecutor for the respondent and upon hearing the argument of both sides, this court made the following

ORDER

It is an application for bail u/s.483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS)

FIR was registered against the petitioners/A2 and A3 for the offences u/s.303(2) of BNS r.w. 21(1) of Mines and Minerals (Development and Regulation) Act. The occurrence happened on 05-06-2026 and the petitioner is under custody for the past 6 days from 05-06-2026 onwards.

As per FIR, the defacto complainant is the Assistant Geologist, Virudhunagar and on 05-06-2026 at about 9-00 am when the defacto complainant was inspecting the vehicles in respect of illegal transportation of M.Sand, at that time the petitioners and other accused drove their respective vehicles with M.Sand and M.Sand waste without any transit pass. Hence, this case.

According to the learned counsel for the petitioners, the petitioners are innocent and they have not committed any such offence and prays to enlarge the petitioners on bail. On the other hand, the learned Public Prosecutor contended that if the petitioners are released on bail they would commit similar types of offences again and hence he objected to grant bail to the petitioners.

Heard both sides. Records perused. On perusal of records would show that it is a case of illegal transporting of M.sand and M.sand waste without transit pass.

The learned counsel for the petitioners submitted that the petitioners are the drivers of the vehicle and they had no intention for the illegal transportation of M.sand and also they had no knowledge about the illegal transportation and hence, bail may be granted to the petitioner on any condition. The learned counsel for the petitioner further argued that the co-accused A4 and A5 were granted anticipatory bail by the Hon'ble Madurai Bench of Madras High Court and this petitioners are under custody for the past 6 days and hence, the petitioners may be granted bail on any conditions.

The learned Public Prosecutor objected to the grant of bail to the petitioners on the ground that the petitioners, along with the other accused, had illegally transported M-sand and M-sand waste weighing about 8 tonnes for commercial sale at an exorbitant price. It was further submitted that a case was registered against the petitioners on 05.06.2026, pursuant to which he was arrested and remanded to judicial custody. The learned Public Prosecutor further submitted that the co-accused in this case were granted anticipatory bail by the Hon'ble Madurai Bench of the Madras High Court, taking into consideration the fact that they were merely the owners of the vehicles involved and had neither knowledge of nor intention to commit the alleged offence. It was also observed that no material objects had been recovered from them in connection with the crime.

Considering the rival submissions, this is a case relating to the illegal transportation of M-sand and M-sand waste without a valid transit pass. The petitioners have been in judicial custody for only the past 6 days. It is alleged that approximately 8 tonnes of M-sand and M-sand waste were involved in the commission of the offence. The investigation is at early stage and is in progress. Having regard to the nature of the allegations and the stage of the investigation, this Court is not inclined to grant bail to the petitioners at this stage

In the result, the petition is dismissed.

Pronounced by me in the Open Court on this the 12th day of June 2026.

Principal District and Sessions Judge,
Virudhunagar District at
Srivilliputtur.

To

The Inspector of Police, Nathampatti P.S