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CRL O.P. No.20742 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.08.2024

CORAM

The Hon`ble Mr.Justice P.DHANABAL

CRL OP.No.20742 of 2024

Nethaji S/o.Subramani

... Petitioner

Vs

State rep. by:-

The Inspector of Police,
J-1, Saidapet Police Station,
Chennai.
[Cr. No.192 of 2024]

... Respondent

For Petitioner : Mr.P.Muthamizhselvakumar
For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of B.N.S.S

PRAYER: - The Criminal Original Petition is filed under Section 483 of the BNSS praying to grant bail to the petitioner in Crime No.192 of 2024 on the file of the respondent police.

ORDER

The petitioner/accused, who was arrested and remanded to judicial



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custody on 22.05.2024 for the offence punishable under Sections 8(c), 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act 1985, in Crime No.192 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was arrested and remanded to judicial custody on 22.05.2024, for illegal possession of 1.5 Kgs of Ganja. Hence, the case.

3. The learned counsel for the petitioner would contend that the petitioner is an innocent and a false case has been foisted against him. He would further submit that there is no previous case as against the petitioner and he is no way connected with the said occurrence. Hence, he seeks bail.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner was arrested and remanded to judicial custody on 22.05.2024, for illegal possession of 1.5 Kgs of Ganja. He would submit that proceedings under Act 14, 1982, was initiated against the petitioner and the same was revoked. Hence he opposed to grant bail to the



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petitioner.

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5. Heard both side counsels and perused the materials available on record.

6. Considering the representation made on either side and considering the fact that the proceedings under Act 14, 1982, was initiated against the petitioner and later it was revoked and taking into consideration that the quantity of material involved in the case is not a commercial quantity and also considering the period of incarceration undergone by the petitioner, I am 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 learned **IX Metropolitan Magistrate Court, Saidapet**, and on further conditions that:



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**[b] the petitioner shall report before the NDPS Court, Chennai,
on every working day, until further orders.**

[c] the petitioner shall not commit any offences of similar nature.

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

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index: Yes/No

Internet: Yes/No

Speaking/Non Speaking order

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To

- 1.The IX Metropolitan Magistrate Court, Saidapet.
- 2.The Inspector of Police,
J-1, Saidapet Police Station,
Chennai.
- 3.The Central Prison, Puzhal, Chennai.
- 4.The Government Advocate (Crl.Side), High Court, Madras.



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P.DHANABAL,J.

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