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Crl.O.P. No.21352 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :04.09.2024

CORAM

The Hon`ble Mr.Justice P.DHANABAL

CRL OP.No.21352 of 2024

P. Susai Thaba

... Petitioner

Vs

State rep. by:-

The Inspector of Police,
M-6, Manali Police Station,
Chennai.
[Cr. No.256 of 2023]

... Respondent

For Petitioner : Mr.K.Anandha Raja
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.256 of 2023 on the file of the respondent police.



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ORDER

The petitioner/accused A2, who was arrested and remanded to judicial custody on 31.05.2023 for the offence punishable under Section 8(c), r/w 22(c), 25, 29(1) of the Narcotic Drugs and Psychotropic Substances, Act, in Crime No.256 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of the prohibited narcotic drug named Pyeevon Spas Tablets. Hence, the case.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. The petitioner has been falsely implicated in this case. The learned counsel appearing for the petitioner further submits that no contraband was recovered from the petitioner and recovery was made only from first accused alone. However, on instructions, the learned counsel further submits that the petitioner is



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ready and willing to abide by any conditions that may be imposed by this Court and he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner was found in illegal possession of the prohibited narcotic drug named Pyeevon Spas Tablets and he further submitted that there is no previous case pending against the petitioner. However, he opposed to grant bail to the petitioner.

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 no recovery was made from this petitioner and also considering that the co-accused from whom the contraband was recovered was also released on bail and taking into consideration the nature of offence involved in this case and also considering the period of incarceration and no previous case is pending against the petitioner, I am



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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 Principal Special Judge, Special Court for Exclusive Trial of cases under EC & NDPS Act, Chennai** and on further conditions that:

[b] the petitioner shall report before the respondent police every day, until further orders.

[c] the petitioner shall attend in accordance with the conditions of the bond.

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

[e] 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.

[f] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of



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the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

[g] 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].

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

04.09.2024

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
nsl



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To

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1. The Principal Special Judge,
Special Court for Exclusive Trial of cases under EC & NDPS Act,
Chennai
2. The Inspector of Police,
M-6, Manali Police Station,
Chennnai.
3. Central Prison, Puzhal.
4. The Government Advocate (Crl.Side), High Court, Madras.



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P.DHANABAL,J.

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