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Crl.O.P. No.22142 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.10.2024

CORAM

The Hon`ble Mr.Justice P.DHANABAL

CRL OP.No.22142 of 2024

Penkesathi Raju

... Petitioner

Vs

State rep. by:-

The Intelligence Officer,
Narcotic Control Bureau,
Chennai Zonal unit,
Chennai – 600 077.

... Respondent

[NCB F.No. 48/1//01/2023-NCB/MDS]

For Petitioner : Mr.R.C.Paul Kanagaraj
for Mr.O. Chembulingam

For Respondent : Mr.N.P.Kumar
Special Public Prosecutor (NCB Cases)

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 NCB F.No. 48/1//01/2023-NCB/MDS on the file of the respondent police.



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ORDER

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The petitioner/accused A4, who was arrested and remanded to judicial custody on 15.02.2023 for the offence punishable under Section 8(c) r/w. 20(b)(ii)(c), 28 and 29 of NDPS act in NCB F.No. 48/1//01/2023-NCB/MDS on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the officers of Narcotics Control Bureau seized 438.400 kgs of dark green colour dry leaves with flowering tops believed to be Marijuana (Ganja) from the accused person. Hence, the case.

3. The learned counsel appearing for the petitioner would contend that this petitioner is arrayed as accused No. 4 in this case for the alleged offence punishable under Section 8(c) r/w. 20(b)(ii)(c), 28 and 29 of NDPS Act and he was remanded to judicial custody on 15.02.2023. The petitioner has not committed any such offence as alleged by the prosecution and no recovery was made any contraband from this petitioner. The learned counsel appearing for the petitioner further submits that already co-accused was arrested and released on bail by the Hon'ble Supreme Court. However, on instructions, the learned counsel further submits that the petitioner is ready and willing to abide by any



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conditions that may be imposed by this Court and he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the quantity of materials involved in this case is a commercial quantity. Though contraband was recovered from other accused, this petitioner paid money to arrange vehicles and he also actively participated in transportation of contraband and he further submits that previous bail applications have already dismissed by this Court and there is no change of circumstances. Hence, 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 also considering the nature of offence charged against the petitioner and based on the confession statement of the co-accused, this petitioner was arrayed as an accused No. 4 and also considering that there is no previous case pending against the petitioner and already co-accused was arrested and released on bail by the Hon'ble Supreme Court and this petitioner is in custody from 15.02.2023 and no Trial has been



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commenced so far and also considering other aspects, 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 **I Additional Special Court for EC/NDPS Act cases, Chennai** and on further conditions that:

[b] the petitioner shall report before the Principal Special Court under EC & NDPS Act, Chennai - 104 on all working days at 10.30 A.M, 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.

19.10.2024

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

P.DHANABAL,J.

nsl



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To

1. The I Additional Special court for EC/NDPS Act cases, Chennai.
2. The Intelligence Officer,
Narcotic Control Bureau,
Chennai Zonal unit,
Chennai – 600 077.
3. Central Prison, Chennai.
4. The Government Advocate (Crl.Side), High Court, Madras.

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