



WEB COPY



Crl.O.P.No.23182 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.23182 of 2024

Vinoth Kumar

...Petitioner/Accused 1

Vs.

State rep. by
The Inspector of Police,
T-7, Otteri Police Station
Tambaram
Chengalpattu District.
Cr.No. 340 of 2024

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, 2023, praying to enlarge the petitioner on bail in Cr.No. 340 of 2024 on the file of the respondent police.

For Petitioner : Mr.P.Sundara Rajan

For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl. Side)

ORDER



Crl.O.P.No.23182 of 2024

WEB COPY

The petitioner, who was arrested and remanded to judicial custody on 13.08.2024 for the offences under Sections 8(c), read with 20(b)(ii)(B), 25, 29(1) of Narcotic Drugs and Psychotropic Substances Act, in Crime No.340 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused were found in possession of 1.135 kgs of ganja. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case and he is a law-abiding citizen and he is ready to furnish substantial sureties for his due release on bail; therefore, he prays for the grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the



CrI.O.P.No.23182 of 2024

respondent police submitted that the petitioner was arrested and remanded to judicial custody on 13.08.2024 for the illegal possession of 1.135 kgs of ganja and hence he objected to grant bail to the petitioner. He further submitted that the petitioner is having two previous cases and in that cases, the petitioner was released on bail.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side and considering the nature of offences and quantity of materials involved in this case are not in commercial quantity and though the petitioner is having two previous cases, but those cases are not of similar kind of offences and in those cases, the petitioner was released on bail and also considering the period of incarceration underwent by the petitioner, I am inclined to grant bail to the petitioners, subject to the following conditions:

[a]. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand**



CrI.O.P.No.23182 of 2024

only) with two sureties, each for a like sum to the satisfaction of the court of *Judicial Magistrate No.II, Chengalpattu* and on further conditions that:

[b] the petitioner shall report before the learned *Principal Special Court under EC & NDPS Act, Chennai*, 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 commit any offence similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[e] The petitioner shall not abscond either during investigation or trial;

[f] 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 him from disclosing such facts to the court or to



Crl.O.P.No.23182 of 2024

any police officer or tamper with evidence;

[g] on breach of any of the aforesaid conditions, the learned 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]; and

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of the BNS.

20.09.2024

vsg

P.DHANABAL, J.

vsg

To

1. Principal Special Court under EC & NDPS Act



Crl.O.P.No.23182 of 2024

WEB COPY

Chennai – 104.

2.Sub Jail, Chengalpattu.

3.The Inspector of Police,
T-7, Otteri Police Station
Tambaram
Chengalpattu District.

4.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.23182 of 2024

20.09.2024