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CRL O.P. No.23084 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

**CRL OP.No.23084 of 2024**

1. Balasubramaniam,  
S/o.Paneerselvam,

2. M.Arun,  
S/o.Murugaiya

... Petitioners

Vs

**State rep. by:-**

The Inspector of Police,  
Vellode Police Station,  
Erode District.  
[Cr.No.87 of 2024]

... Respondent

**PRAYER: -** Criminal Original Petition filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail to the petitioners/Accused in Crime No.87 of 2024 on the file of the respondent police.

For Petitioner : Mr.R.Rajan

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



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**ORDER**

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The petitioner/Accused, who was arrested and remanded to judicial custody on 13.08.2024 for the offences punishable under section 8(c) r/w.20(b)(ii)(c) and 25 of NDPS Act, 1985 in Crime No.87 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on on 29.05.2024, the respondent police was conducted check up, the found the petitioners were in illegal possession of 1Kg 750 grams of ganja and various quantity of ganjas' were recovered from the other accused persons. Hence, the complaint.

3. The learned counsel for the petitioners would contend that these petitioners not at all connected or involved in the said offence. Based on the confession statement of co-accused, these petitioners are arrayed as accused in the case. These petitioners have been falsely implicated in this case. These petitioners are an innocent person and they have nothing to do with the commission of alleged offences and they are ready to abide by any condition imposed by this Court. Hence, he seeks bail to the petitioners.



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4. The learned Government Advocate (Criminal Side) would submit that the respondent police found the petitioner and other accused persons were in illegal possession of ganja. Based on the confession statement of co-accused, these petitioners are arrayed as accused. There is no previous case pending as against the petitioners. These petitioners were arrested and remanded to judicial custody on 13.08.2024. However, the learned Government Advocate (Criminal Side) is strongly opposed to grant bail to the petitioners.

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

6. Considering the rival submissions on either side and considering the nature offence and the quantity of contraband involved in this case is not comes under the commercial quantity and there is no previous cases are pending against the petitioners and the co-accused were arrested and subsequently released on bail and based on the confession statement of co-accused, these petitioners are arrayed as accused and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners, subject to the following conditions:



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[a] Accordingly, the petitioners are ordered to be released on bail on condition to execute separate 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 **Additional District Judge/Presiding Officer, Special for Essential Commodities Act Cases, Coimbatore** and on further conditions that:

[b] the petitioners shall report before the **Additional District Judge/Presiding Officer, Special for Essential Commodities Act Cases, Coimbatore on every working day at 10.30a.m. until further orders;**

[c] the petitioners shall attend in accordance with the conditions of the bond;

[d] the petitioners 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; and

[e] the petitioners 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 any police officer or tamper with the evidence;



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[f] the petitioners shall not abscond either during investigation or trial;

[g] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

**24.09.2024**

index: Yes/No  
Internet: Yes/No  
Speaking/Non Speaking order  
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**P.DHANABAL,J**

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To

1.The Additional District Judge/Presiding Officer, Special for Essential Commodities Act Cases, Coimbatore.

2. The Inspector of Police,  
Vellode Police Station,  
Erode District.

3. Central Prison, Coimbatore.

5.The Public Prosecutor,  
High Court, Madras.

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