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CRL O.P. No.23816 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.10.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

**CRL OP.No.23816 of 2024**

Gana Suri @ Gana Rahul

... Petitioner / Accused-5

Vs

State rep. by  
The Inspector of Police,  
H3, Tondiarpet Police Station,  
Chennai.

(Crime No.295 of 2024)

... Respondent

**PRAYER:-** The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in Crime No.295 of 2024 on the file of the respondent police.

For Petitioner : Mr.K.Thenrajan

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



CRL O.P. No.23816 of 2024

## **ORDER**

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The petitioner, who was arrested and remanded to judicial custody on 27.06.2024, for the offences punishable under Sections 8(C), 22(C) and 29(1) of NDPS Act, in Crime No.295 of 2024, on the file of the respondent seeks bail.

2.It is the case of the prosecution that on 15.06.2024 at about 9.30 a.m., based on the secret information, the respondent had went to a public toilet at Washermenpet and on surveillance, found the petitioner along with the other accused in possession of 3005 Nitravet tablets. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that there is no previous case against the petitioner. He would further submit that only based on the confession statement of the co-accused, the petitioner has been implicated in this case. He would further submit that co-accused in this case was released on bail and there is no recovery from the petitioner herein. He would submit that the



petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner along with the other accused were found in possession of 3005 Nitroxit tablets. He would further submit that there is no previous case against the petitioner. He would also submit that co-accused has been released on bail since there is no recovery from him. However, he vehemently opposed to grant bail to the petitioner.

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

6. Considering the nature of offences, the quantity of material involved in this case is not a commercial quantity, no recovery was made from this petitioner, the petitioner was arrayed as an accused only based on the confession statement of the co-accused, no previous case is pending against the petitioner and also taking into consideration the number of days of incarceration undergone by the petitioner, this Court is 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



CRL O.P. No.23816 of 2024

Thousand only) with two sureties each for a like sum to the satisfaction of the **Principal Special Court for NDPS Cases, Chennai**, and on further conditions that;

**[b] the Petitioner shall report before the Principal Special Court for NDPS Cases, Chennai, on all working days at 10.30 a.m., until further orders.**

[c] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] 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 any police officer;

[e] the Petitioner shall not abscond 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]; and

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

03.10.2024

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CRL O.P. No.23816 of 2024

To

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1.The Principal Special Court for NDPS Cases, Chennai.

2.Central Prison, Puzhal.

2.The Inspector of Police,  
H3, Tondiarpet Police Station,  
Chennai.

3.The Public Prosecutor, High Court, Madras.



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CRL O.P. No.23816 of 2024

**P.DHANABAL,J.**  
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CRL.OP.No.23816 of 2024

03.10.2024