



CRL O.P. No.24485 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.24485 of 2024

M.Vairaprakash

... Petitioner / Accused-5

Vs

State rep. by
The Inspector of Police,
H1, Washermenpet Police Station,
Chennai.

(Crime No.288 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.288 of 2024 on the file of the respondent police.

For Petitioner : Mr.S.Balasubramanian

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.08.2024, for the offences punishable under Sections 8(C) r/w 22(b) of NDPS Act @ Sections 8(c) r/w 22(C), 20(b)(ii)(A), 27(A) of NDPS Act, in Crime No.288 of 2024, on the file of the respondent seeks bail.

2.It is the case of the prosecution that the petitioner along with the other accused were found in illegal possession of 73 grams of Methamphetamine, 1165.5 grams of OG Kush Ganja, 42 numbers of Zolpidem tablets and 300 grams of OG Kush Ganja. 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 after lapse of three months. He would further submit that co-accused in this case was released on bail and there is no recovery from the petitioner herein.



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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 73 grams of Methamphetamine, 1165.5 grams of OG Kush Ganja, 42 numbers of Zolpidem tablets and 300 grams of OG Kush Ganja. He would further submit that investigation has been completed and only the lab report is awaited and 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 that no recovery was made from this petitioner and the contraband was seized only from the co-accused, considering that



only based on the confession statement of the co-accused, this petitioner has been implicated in this case after lapse of three months from the date of arrest of the main accused and also considering that co-accused was released on bail and the period 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 Thousand only) with two sureties each for a like sum to the satisfaction of the **Principal Special Court for EC and NDPS Cases, Chennai**, and on further conditions that;

[b] the Petitioner shall report before the Principal Special Court for EC and 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



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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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To

- 1.The Principal Special Court for EC and NDPS Cases, Chennai.
- 2.Central Prison - II, Puzhal, Chennai.
- 2.The Inspector of Police,
H1, Washermenpet Police Station,
Chennai.
- 3.The Public Prosecutor, High Court, Madras.

P.DHANABAL,J.



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