



CRL O.P. No.26021 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :23.10.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.26021 of 2024

1.Suman Magar

2.Subash Thaba

... Petitioners

Vs

State rep. by
The Inspector of Police,
K-3, Aminjikarai Police Station,
Chennai City.
(Crime No.469 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.469 of 2024 on the file of the respondent police.

For Petitioner : Mr.C.M.Ramakrishnan

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



CRL O.P. No.26021 of 2024

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ORDER

The petitioners, who were arrested and remanded to judicial custody on 30.08.2024, for the offences punishable under Sections 8(c), 22(c) and 29(1) of NDPS Act, 1985 in Crime No.469 of 2024, on the file of the respondent seek bail.

2.It is the case of the prosecution that the petitioner along with the other accused were found in illegal possession of 2400 Nos of Pyeevon Spas Plus tablets. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would submit that the petitioners are ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioners.

4.The learned Government Advocate (Crl. Side) would submit that the total quantity of contraband involved in this case is 2400 Pveeyon



Spas Plus tablets. He would further submit that no recovery was made from these petitioners and only based on the confession statement of the co-accused, they have been arrayed as accused in this case. He would submit that there are no previous cases pending as against the petitioner. However, he vehemently opposed for grant of bail to the petitioner.

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

6. Considering the nature of offence and no contraband was recovered from these petitioners and only based on the confession statement of the co-accused, these petitioners were arrayed as accused in this case and there is no previous case pending against the petitioners 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:

[a] Accordingly, the Petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned **V Metropolitan Magistrate, Egmore**, and on



CRL O.P. No.26021 of 2024

further conditions that;

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[b] the Petitioners shall report before the concerned NDPS Court, on all working days at 10.30 a.m., until further orders;

[c] the Petitioners shall not commit any offences of similar to the offence of which they are accused, or suspected, or of the commission of which they are suspected;

[d] 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;

[e] the Petitioners 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 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]; and

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

23.10.2024

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CRL O.P. No.26021 of 2024

WEB COPY

To

- 1.The V Metropolitan Magistrate, Egmore.
- 2.The Central Prison, Puzhal, Chennai.
- 3.The Inspector of Police,
K-3, Aminjikarai Police Station,
Chennai City.
- 4.The Public Prosecutor, High Court, Madras.



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CRL O.P. No.26021 of 2024

P.DHANABAL,J.

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CRL.OP.No.26021 of 2024

23.10.2024