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CRL O.P. No.25883 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.10.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.25883 of 2024

S.Gokul

... Petitioner / A5

Vs

State rep. by
The Inspector of Police,
R-2, Kodambakkam Police Station,
Chennai – 600 024.
(Crime No.44 of 2023)

... 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 C.C.No.576 of 2023 on the file of the Principal Special Court for EC & NDPS Act, Chennai.

For Petitioner : Mr.M.Madhu Prakash

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



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ORDER

The petitioner / A5 seeks bail in C.C.No.576 of 2023 on the file of the Principal Special Court under EC and NDPS Act.

2.Originally, the petitioner was arrested and remanded to judicial custody on 07.03.2023, for the offences punishable under Sections 8(c), 20(b)(ii)(c), 25 and 29(1) of Narcotic Drugs & Psychotropic Substances Act, 1985, in Crime No.44 of 2023, on the file of the respondent.

3.It is the case of the prosecution that the petitioner along with the other accused were found in illegal possession of 21.700 Kgs of Ganja. Hence, the case.

4.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case and only on the basis of confession statement of co-accused, this petitioner was arrayed as an accused in this case and no contraband was recovered from this petitioner. He would further submit that the co-accused / A4,



A6 and A7 were granted bail and this petitioner is in custody for more than 1 ½ years . 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.

5.The learned Government Advocate (Crl. Side) would submit that the alleged commercial quantity of contraband was only recovered from A1, A2 and A3. However, 3.800 Kgs of Ganja was recovered from this petitioner. He would further submit that there is one previous case pending as against the petitioner with respect to similar kind of offence. Hence, he vehemently opposed for grant of bail to the petitioner.

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

7. Considering the nature of offence and this petitioner was arrayed as accused only based on the confession statement of co-accused and even according to the prosecution, the contraband recovered from this petitioner is not a commercial quantity and though the petitioner is



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having one previous case, he was released on bail and the co-accused were released on bail and also considering 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 learned Principal Judge, NDPS Act Cases, Chennai, and on further conditions that;

[b] the Petitioner shall report before the concerned NDPS Court 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;



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[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.

25.10.2024

smv

To

- 1.The Principal Judge For NDPS Act Cases, Chennai.
- 2.Central Prison, Puzhal, Chennai.
- 3.The The Inspector of Police,
R-2, Kodambakkam Police Station,
Chennai – 600 024.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.

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