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CRL O.P. No.27031 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.12.2024

CORAM

The Hon'ble Mr. Justice P.DHANABAL

CRL OP.No.27031 of 2024

1. Franklin s/o. Amulraj
 2. Ajith @ Lippu Ajith S/o. Murugan
 3. Ajith S/o. Vishwanathan
- ... Petitioners / Accused-1 to 3

Vs

State rep. by:-

The Inspector of Police,
PEW Thiruvallur Police Station,
Thiruvallur District.
[Cr. No.51 of 2024]

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of

B.N.S.S., praying to grant bail to the petitioners/Accused-1 to 3 in Cr.

No.51 of 2024 on the file of the respondent police.

For Petitioner : Mr. B. Sasikala

For Respondent : Mr. S. Balaji,
Government Advocate
[Criminal side]

ORDER



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The petitioners / Accused -1 to 3 who were arrested and remanded to judicial custody on 08.02.2024 for the offences punishable under Sections 8(c), 20(b)(ii)(C) and 29(1) of Narcotics Drugs and Psychotropic Substances Act in Cr. No.51 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 08.02.2024, based on the secret information, the police party went to the scene of occurrence at Tiruvallur Gandhipuram opposite to the house of the accused persons and found the accused with illegal possession of 21.500 kgs of Ganja. Hence the case.

3. The learned counsel for the petitioners would contend that the respondent police have registered a false case against the petitioners and others for the offences punishable under Section 8(c), 20(b)(ii)(C) and 29(1) of Narcotics Drugs and Psychotropic Substances Act, for statistical purpose. The petitioners are innocent persons and they are nothing to do with the alleged offences. The earlier bail application was dismissed.



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They are in judicial custody from 08.02.2024. Therefore prayed to grant bail to the petitioners.

4. The learned Government Advocate (criminal side) would submit that this case was registered as against the petitioner and others for the illegal possession of 21.500 kgs of Ganja. These petitioners are arrayed as A1 to A3. The investigation reveals that these petitioners along with A6 bought the contraband from Andhra Pradesh and for selling in the local area for the personal gain. Samples were sent for analysis and report has also been collected. Investigation was completed and charge sheet was also filed and the case is pending in C.C. No.639 of 2024 before the Principal Special Court under EC & NDPS act, Chennai. These petitioners have other previous cases. Hence, he strongly opposed to grant bail to the petitioners.

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

6. Considering the rival submissions made on either side, considering the fact that the entire contraband was recovered from the 1st



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petitioner/A1 and he was detained under Goondas Act and hence this Criminal Original petition in respect of the 1st petitioner/A1 is dismissed.

6.1. As far as the other 2nd and 3rd petitioners are concerned, considering the nature of offences, considering the fact that no contraband was recovered from these petitioners 2 and 3/A2 and A3 and they are in judicial custody from 08.02.2024 and already investigation was completed and charge sheet was also filed and the co-accused A4 was granted bail and A6 was granted anticipatory bail, though the prosecution has stated that the petitioners 2 and 3, have some previous cases, all the cases are not of similar kind of cases and in all the other cases, they were granted bail, considering the incarceration period of the petitioner from 08.02.2024, this Court is inclined to grant bail to the petitioners 2 and 3, subject to the following conditions:

[a] Accordingly, the 2nd and 3rd 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) with two sureties each for a like sum to the



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satisfaction of the learned **Special Court under EC and NDPS Act Cases, Chennai** and on further conditions that:

[b] the petitioners 2 and 3 shall report before the concerned NDPS Court on all working days at 10.30 a.m. until further orders;

[c] the petitioners 2 and 3 shall not commit any offence similar to the offence of which they are accused, or suspected, or of the commission of which they are suspected;

[d] the petitioners 2 and 3 shall not abscond either during investigation or trial;

[e] the petitioners 2 and 3 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 them from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble



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Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

20.12.2024

index: Yes/No

Internet: Yes/No

Speaking/Non Speaking order

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To

- 1.The Special Court under EC and NDPS Act Cases, Chennai
- 2.The Public Prosecutor, Madras High Court, Chennai.
3. The Inspector of Police, PEW Thiruvallur Police Station, Thiruvallur District.
4. The Superintendent of Police, Central Prison, Puzhal, Chennai.

P.DHANABAL,J

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