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Crl.O.P.No.27555 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.11.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.27555 of 2024

1.Prasanth @ Dyson

2.Appu @ Udhaya

...

Petitioner

Vs.

State represented by

Inspector of Police,

G-2 Periamet Police Station,

Chennai. Crime No.200 of 2024.

...

Respondent

PRAYER : Criminal Original Petition filed under Section 489 of BNSS to enlarge petitioners accused on bail in Crime No.200 of 2024 on the file of the Respondent police.

For Petitioner : Mr.T.I.Ramanathan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.09.2024 for the offence punishable under Sections 8(c) r/w 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.200 of 2024, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on receipt of the secret



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information about illegal sale of narcotic substances, the respondent police went to the Elephant Gate Bridge Water Filing Road where the respondent police found that the accused were in illegal possession of 1.246 Kgs of Ganja, which is an intermediate quantity. Hence the case.

3.Learned counsel appearing for the petitioner submitted that the petitioners are aged about 22 and 24 years respectively and they are in custody of 60 days and investigation has not been completed and charge sheet has also not been filed. The quantity is recorded as 1.246 Kg of Ganja. The respondent police falsely foisted the case against them and they are no way connected with the alleged offence. They are the one and only breadwinner of their family and they are ready to abide by any conditions that may be imposed by this Court. He also further submitted that the petitioners are in custody from 06.09.2024, hence, he prayed for grant of bail to the petitioner.

4.The respondent has filed a detailed counter in this case.



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5.The learned Government Advocate(Crl.side) would submit that totally 5 accused in this case. The petitioners are first and second accused. The petitioners along with the other accused were found to be in illegal possession of 1.246 Kg of Ganja. The first petitioner/first accused is having four previous cases out of which, one NDPS case and the second petitioner/second accused is having 15 previous cases out of which, one NDPS case. Hence, he opposed to grant bail to the petitioners.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

7.Taking into consideration the facts of the case and the submissions made by the learned counsel and taking note of the fact that the alleged contraband said to have recovered from the petitioner is an intermediate/in-between quantity and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.



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8. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.15,000/- (Rupees fifteen thousand only) each** with **two sureties, out of** which one surety must be father or mother, each for a like sum to the satisfaction of the Principal Special Court for Exclusive Trial of cases under EC and NDPS Act at Chennai and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the the abovesaid Judge may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall report before the respondent Police daily at 6.30 p.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Judge/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 Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State***



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of Kerala [(2005)AIR SCW 5560];

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

sms

05.11.2024

To

1.Principal Special Court for Exclusive Trial of cases under EC and NDPS Act at Chennai.

2.Central Prison, Puzhal, Chennai.

3.Inspector of Police,
G-2 Periamet Police Station,
Chennai. Crime No.200 of 2024.

4. The Public Prosecutor,
High Court, Madras.

A.D.JAGADISH CHANDIRA,J.

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