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Crl.O.P.No.29470 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2024

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

Crl.O.P.No.29470 of 2024

Sudharsan Nayak

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
NIB-CID
Chennai
Crime.No.41 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in Crime No.41 of 2024 pending investigation on the file of the respondent Police.

For Petitioner : Mr.R.Mukesh Kannah

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

ORDER

Petition seeking bail in respect of Crime No.41 of 2024 registered for the offences punishable under Sections 8(c), 20(b)(ii)(C), 29(1) of NDPS Act is on board for consideration.



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2. The incarceration of the petitioner being from 18.08.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He further submit that, other than the petitioner has been shown to be arrested with other accused, from whom the quantities of ganja have been recovered, there is no other material to show that the petitioner is one among the gang of persons and that he was in conscious possession of the contraband. He further submit that the petitioner has permanent residence in Odisha. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the accused totalling six in numbers were found in possession of 25 kgs of ganja. He further submit that, even as per the recovery mahazaar, 6 kgs of ganja was recovered fom A1 to A3 and the petitioner is A1. He further submit that, petitioner has no previous case.

4. Having heard the learned counsel for the petitioner and the learned



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Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, and taking note of the nature of allegation, this court is inclined to grant bail to the petitioner with certain conditions and accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties (out of which, one shall be a blood related surety)**, each for a like sum to the satisfaction of the learned **XVI Metropolitan Magistrate Court, George Town**, and on further conditions that:

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

[b] the petitioner shall report before the respondent police daily at 06.30.p.m., until further orders.

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

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



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[e] On breach of any of the aforesaid conditions, the learned 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]***;

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

09.12.2024

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To

1. XVI Metropolitan Magistrate Court, George Town
2. The Inspector of Police,
NIB-CID
Chennai
3. The Superintendent,
Central Prison -II, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

Sma

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