



CrI.O.P.No.30036 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

CrI.O.P.No.30036 of 2024

Karthik

... Petitioner

Vs.

State Represented by,
The Inspector of Police,
PEW-Thiruvallur Police Station,
Thiruvallur.
Crime No.51 of 2024.

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail pending in C.C.No.639 of 2024 on the file of the Principal Special Judge for EC & NDPS Act cases, Chennai.

For Petitioner : Mr.S.Petchiappan

For Respondent : Mr.S.Balaji
Government Advocate (CrI.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.02.2024, for the alleged offences under Sections 8(c) r/w 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act in C.C.No.639 of



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2024, pending on the file of the Principal Special Judge for EC & NDPS Act Cases, Chennai, in connection with Crime 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, at about 13.30 hours, when the respondent police received secret information about the illegal transport of ganja, they found the petitioner along with other accused is in possession of 21.500 kgs of ganja and the same was seized by the respondent police. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that this is the second bail application filed by the petitioner. He further submits that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He further submitted that the similarly placed co-accused in this case have been granted bail by this Court. He further submitted that no contraband was recovered from this petitioner and the entire contraband was recovered from A1 and A2. He further submits that the petitioner was arrested and is in judicial custody from 09.02.2024 and is ready to abide by any conditions that may be imposed



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by this Court. Hence, he prayed bail for the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there are six accused in this case and the petitioner herein is arrayed as A4. He further submits that when the respondent police received secret information about the illegal transport of ganja, they found the petitioner along with other accused is in possession of 21.500 kgs of ganja, which is a commercial quantity. During the course of investigation it was revealed that the accused persons A1 to A5 bought the above contraband from Andhra Pradesh and try to sell the same for their personal gain. He further submits that the petitioner was present at the scene of occurrence and the entire contraband was recovered from A1 and A2. He further submitted that the petitioner has one previous case, pending against him. He also submitted that final report has been filed and the case has been taken up on the file in C.C.No.639 of 2024 dated 07.08.2024 on the file of the Principal Special Court under EC & NDPS Act, Chennai. Hence, he vehemently opposed for the grant of bail to the petitioner.

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



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including the First Information Report.

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6. Considering the representation made by both side counsel, considering the fact that no contraband was recovered from this petitioner, even as per the prosecution, the entire contraband was recovered from A1 and A2, though the petitioner has one previous case, in which he has been released on bail, co-accused/A6 was already released on bail, investigation was completed and the charge sheet was also filed, and considering the period of incarceration undergone by the petitioner, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 Principal Special Judge for EC & NDPS Act Cases, Chennai, and on further conditions that:-

[a] the petitioner shall report before the concerned NDPS Court,



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Chennai, on all working days at 10.30 a.m., until further orders.

[b] 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;

[c] 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;

[d] the Petitioner shall not abscond either during investigation or trial;

[e] 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



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

10.12.2024

drl

To

- 1.The Principal Special Judge
for EC & NDPS Act, Chennai.
- 2.The Inspector of Police,
PEW-Thiruvallur Police Station,
Thiruvallur.
- 3.The Superintendent,
Central Prison, Puzhal, Chennai
- 4.The Public Prosecutor,
High Court, Madras.

P.DHANABAL, J.



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