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Crl.O.P.No.27 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2025

CORAM

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

Crl.O.P.No.27 of 2025

Vinothkumar@Sano

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
P-6 Kodungaiur Police Station.

(Crime No.804 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 connection with Crime No.804 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.MS.Sitchick

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

ORDER

Petition seeking bail in respect of Crime No.804 of 2024 registered for the offences punishable under Section 8(c), r/w Section 20(b)(ii)(c), 25 and 29(1) of NDPS Act, 1985, is on board for consideration.



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2. The incarceration of the petitioner being from 13.11.2024 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 submits that other than the inadmissible confession recorded that the petitioner has supplied the contraband to the main accused, there is no other material to connect the petitioner to the crime. He further submits that there is no previous case against the petitioner. He also 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 petitioner along with other accused was found to be in illegal possession of banned contraband weighing about 22.202 Kgs of ganja, 100 grams of ganja oil and 20 grams of ganja chocolate. He would further submit that there is no previous case against the petitioner.

4. At this juncture, the learned counsel for the petitioner reiterates that as far as the petitioner is concerned, there is no recovery from him and other than the confession, there is no other material against him and further, there is no bad



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antecedents against him, hence, he had satisfied the conditions required under Section 37 of NDPS Act. Therefore, he prayed for grant of bail to the petitioner.

5. Having heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and taking note of the fact that there is no recovery from the petitioner other than the alleged confession statement and that there is no material to connect the petitioner to the crime and considering that the petitioner has satisfied the conditions required under Section 37 of NDPS Act, 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, of which one shall be a resident of Andhra Pradesh, who shall give his/her proof of permanent residence in Andhra Pradesh**, each for a like sum to the satisfaction of the learned **X Metropolitan Magistrate, Egmore, Chennai-08**, 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



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ensure their identity;

[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.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;

[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.

21.01.2025

Anu



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To

1. The X Metropolitan Magistrate,
Egmore, Chennai-08
2. The Inspector of Police,
P-6 Kodungaiur Police Station.
3. The Superintendent,
Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

Anu

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