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Crl.O.P.No.852 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2025

CORAM

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

Crl.O.P.No.852 of 2025

Prasanth

... Petitioner

Vs.

State Rep by
The Inspector of Police,
NIB CID Chennai Police Station,
Chennai.
Crime No.37 of 2024.

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS,
pleased to enlarge the petitioner on bail in Crime No.37 of 2024, on the file
of the respondent police.

For Petitioner : Mr.R.Rajadurai

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

ORDER

The petitioner, who was arrested and remanded to judicial custody



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on 21.07.2024, for the alleged offences punishable under Sections 8(c) read with 20(b)(ii)(C) and 29(1) of NDPS Act, in Crime No.37 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 21.07.2024, based on the secret information, the respondent police along with their team proceeded to the place of occurrence near Koyambedu Metro Railway Station bus stand and rounded up the three accused who were found in illegal possession of 21 kgs of ganja. Hence the case.

3. The learned counsel appearing for the petitioner would contend that false case has been registered against the petitioner for the offences under Sections 8(c) r/w 20(b)(ii)(C) and 29(1) of NDPS Act, and he was arrested and remanded to judicial custody on 21.07.2024. As per the prosecution, this petitioner had possessed only 7 kgs of ganja, which is an intermediate quantity. He also submits that this is the second bail application filed by the petitioner and the earlier bail petition was dismissed on the ground that investigation was not yet completed. Now the investigation was



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completed and charge sheet was also filed. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner along with other accused had illegally possessed 21 kgs of ganja. This petitioner/A7 had possessed 7 kgs of ganja, which is not a commercial quantity. This petitioner has one previous case, pending against him. He further submits that investigation was completed and the charge sheet was also filed. However, he strongly opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the rival submissions made by the learned counsel on either side and the contraband recovered from the petitioner is not a commercial quantity, investigation was completed and the charge sheet was also filed, though the petitioner has one previous case, in which he has been released on bail, considering the period of incarceration of the petitioner



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from 21.07.2024 and also considering all other factors, this Court is 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 II Fast Track Court, Egmore, Chennai, and on further conditions that:-

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



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[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

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

31.01.2025

drl

To

- 1.The II Fast Track Court,
Egmore, Chennai.
- 2.The Inspector of Police,
NIB CID Chennai Police Station,
Chennai.
- 3.The Superintendent,
Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,



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High Court, Madras.

P.DHANABAL, J.

drl

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