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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2025

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THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.268 of 2025

Madhan @ Kulla Madhan

... Petitioner

Vs.

State Rep by.

The Inspector of Police

T-4 Shankar Nagar Police Station, Chennai District.

Crime No. 629 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 83 of B.N.S.S

pleased to enlarge the petitioner on bail pending trial in connection with C.C

No. 228 of 2024 on the file of the I Additional Special Court under EC and

NDPS Court, Chennai.

For Petitioner : Mr.B.Sasikala

For Respondent : Mr.V.Meganathan, B.A., B.L.,
Government Advocate (Crl. side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on **11.10.2023** for the alleged offences punishable under Sections **8 (c) 22 (C), 29(1) of NDPS Act and 4(b) of Explosive Substances Act in crime No. 629 of 2023** on the file of the respondent, seeks bail.

2. The case of the prosecution is that the respondent police found the accused persons with possession of 0.110 grams of LSD stamp and country bomb and Patta knife. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and also the seized contraband is not commercial quantity. Hence, he prays to allow this petition.

4. On the other side, the learned Government Advocate (Crl. side) submits that the petitioner is having 15 previous cases. Hence, he raised objection to grant bail.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, and taking note of the fact that the investigation is completed and the charge sheet has been filed and also taking into consideration the judgements of the Hon'ble Supreme Court in case of



Ankur Chaudhary vs. State of Madhya Pradesh, wherein the Hon'ble Supreme Court held that “ it is to observe that failure to conclude the trial within a reasonable time resulting in prolonged incarceration militates against the precious fundamental right guaranteed under Article 21 of the Constitution of India, and as such, conditional liberty overriding the statutory embargo created under Section 37(1)(b) of the NDPS Act may, in such circumstances, be considered' and the dictum laid down in the case in **Rabi Prakash vs. State of Odisha reported in 2023 SCC Online SC1109** that “ The Prolonged incarceration, general militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such a situation, the conditional liberty must override the statutory embargo created under Section 37(1)(b) of the NDPS Act. Considering the above cases and the period of incarceration undergone by the petitioner and also the contraband seized from the petitioner is non-commercial quantity. Hence, this Court is inclined to grant bail to the petitioner with the the following conditions.



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6. 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 (one must be a blood surety)**, each for a like sum to the satisfaction of the **learned I Additional District Judge, Special Court NDPS & EC Act, Chennai**, 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 Trial Court daily at 10.30 a.m., for a period of four months.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

23.01.2025

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T.V.THAMILSELVI,J.

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To

1. The **I Additional District Judge, Special Court NDPS & EC Act, Chennai.**

2. The Inspector of Police
T-4 Shankar Nagar Police Station, Chennai.

3. The Central Prison, Puzhal, Chennai.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No. 268 of 2025

23.01.2025