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Crl.O.P.No.1070 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2025

CORAM

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

Crl.O.P.No.1070 of 2025

Keerthivasan

... Petitioner

Vs.

Station House Officer,
Dhanvantri Nagar,
Puducherry.
Crime No.138 of 2024.

... Respondent

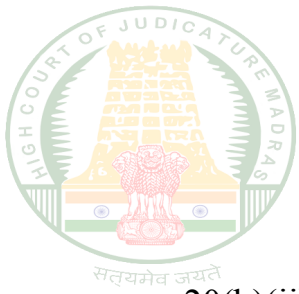
PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail in Spl.S.C.No.13 of 2024 on the file of III Additional District Judge at Puducherry.

For Petitioner : Mr.V.Balamurugan

For Respondent : Mr.K.S.Mohandass,
Public Prosecutor, Puducherry.

ORDER

The petitioner/Accused-2, who was arrested and remanded to judicial custody on 29.06.2024, for the alleged offence under Sections



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20(b)(ii)(A), 20(C) r/w 8(C) of NDPS Act, 1985 in Crime No.138 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that based on the secret information with regard to the illegal transport of Narcotic substance, the respondent police went to the scene of occurrence, wherein they found A1 with illegal possession of 200 grams of dried green ganja, 16 blots of Multi coloured designed papers believed to be LSD and A2 with illegal possession of 180 grams of Hashish oil (ganja oil) total worth about Rs.50,000/-. Hence the complaint.

3. Learned counsel appearing for the petitioner submitted that this is the third bail petition filed by the petitioner. The earlier bail application was dismissed by this Court in Crl.OP.No.28379 of 2024 dated 27.11.2024, by directing the trial Judge to complete the trial as expeditiously as possible preferably within a period of four months from the date of receipt of a copy of this order”. He further submits that the trial Court had issued a Non Bailable Warrant against the accused A3 and A7, which impedes the progress of the trial and, due to this, the prospect of completion of the trial is

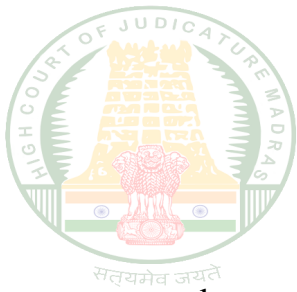


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bleak. The said reason stands in the way of the petitioner's liberty. The next date of hearing is on 20.02.2025. The petitioner is an innocent person and he has not committed any offence as alleged in the FIR. There is no previous case pending against this petitioner and the co-accused A5 and A6 were granted bail by this Court. The petitioner is in judicial custody from 29.06.2024. Therefore, he prayed to grant bail to the petitioner.

4. Learned Public Prosecutor, Puducherry would submit that the quantity of contraband involved in this case is an intermediate quantity. A1 was arrested for the possession of 200 grams of dried green ganja, 16 bots of multi coloured designed papers believed to be LSD and this petitioner/A2 for the illegal possession of 180 grams of Hashish oil, which is an intermediate quantity, The accused persons had knowingly possessed banned Narcotics and commercial quantity of LSD for sale to the students, youth and general public, thereby the accused persons A1 to A8 have committed serious offences. Preliminary charge sheet was also filed after altering Sections from the offences under Sections 20(b)(ii)(A), 21(C) r/w 8(c) of NDPS Act to Sections 20(b)(ii)(A), 21(c), 22(c), 23(c), read with 8(c) of the NDPS Act. Case is now pending in Spl.S.C.No.13 of 2024. A3 and A7 are still



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absconding. The petitioner has no previous case as on date. Hence, 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 this petitioner is not a commercial quantity, there was no previous case pending against the petitioner as on date, co-accused were also released on bail by this Court, and considering the period of incarceration of the petitioner from 29.06.2024 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 III Additional District Judge, Puducherry and on further conditions that:-



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[a] the petitioner shall report before the concerned NDPS Court, Puducherry, 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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P.DHANABAL, J.

drl

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

21.01.2025

drl

To

- 1.The III Additional District Judge,
Puducherry.
- 2.The Station House Officer,
Dhanvantri Nagar,
Puducherry.
- 3.The Superintendent,
Central Prison, Puducherry,
- 4.The Public Prosecutor,
Puducherry.

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