



CRL O.P. No.457 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 24.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

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Mwamkwo Onyedika Prince

... Petitioner / accused

Versus

The State Rep. By
The Inspector of Police,
R7 K.K. Nagar Police Station,
Crime No.219 of 2024.

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S., praying to enlarge the petitioner on bail pending investigation in Crime No.219 of 2024 on the file of the respondent Police.

For petitioner : Mr. M. Venkadeshan.

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

ORDER



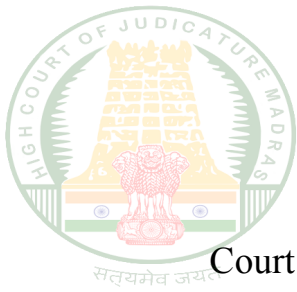
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This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 22.10.2024, seeking bail in Crime No.219 of 2024 registered for the offence under Sections 8(c) read with 22(b), 29(1) and 25 of the NDPS Act, 1985 @ 8(c) read with 22(c) and 25 of the NDPS Act.

2.The case of the prosecution is that A1 & A2 were found in possession of 50 grams of Methamphetamine; that on their confession, it was revealed that they had purchased the contraband from A7 through A6 (the petitioner herein) and thereafter, he was arrested and found in possession of 15 grams of Methamphetamine. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner is a college student and the allegations against the petitioner are false and he has nothing to do with the other accused A1 to A5 and it cannot be construed as joint possession of commercial quantity and hence, rigors of Section 37 of the NDPS Act would not be applicable to him; He further submitted that the petitioner is in custody from 22.10.2024 and he is ready to abide by any stringent conditions that may be imposed by this



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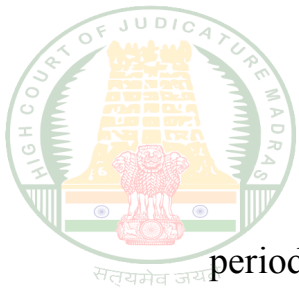
Court and since further custody is not required, the petitioner may be released on bail.

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4. Learned Government Advocate (Crl.Side) reiterated the case of the prosecution and submitted that A1 to A5 were arrested together and that they were found in possession of 50 grams of methamphetamine and on their confession, the petitioner was arrested and 15 grams of methamphetamine was seized from the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Admittedly, the petitioner was arrested separately and he was not found along with A1 to A5. Further, the quantity seized from A1 to A5 is 50 grams which is an intermediate quantity. The petitioner is sought to be implicated on the confession of co-accused and there is no joint possession. The rigors of Section 37 of the NDPS Act hence would not be applicable. Considering the aforesaid facts; nature of allegations; the



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period of incarceration, this Court is of the view that further custody is not required for the purpose of investigation and inclined to grant bail to the petitioner with conditions.

7. 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, each for a like sum to the satisfaction of the XXIII Metropolitan Magistrate, Saidapet, Chennai.

[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 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



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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 B.N.S.

[g] Since the petitioner is a Nigerian National, the respondent shall communicate the order of granting bail, to the concerned Registration Officer appointed under Rule 3 of Registration of Foreigners Rules, 1992 as per the decision of the Hon'ble Supreme Court in ***Frank Vitus Vs. Narcotics Control Bureau and others*** in Crl.Appeal Nos.2814-2815 of 2024 dated 06.01.2025.

24.02.2025

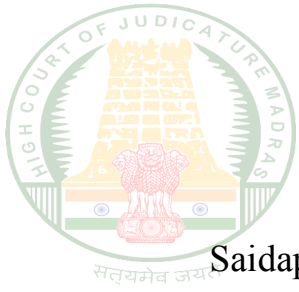
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To

1.The Public Prosecutor,
High Court of Madras,
Chennai.

2.The Inspector of Police,
R7 K.K. Nagar Police Station.

3.The XXIII Metropolitan Magistrate,



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Saidapet, Chennai.

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4.The Central Prison-II,
Puzhal, Chennai.

SUNDER MOHAN. J,

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