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Crl.O.P.No.799 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2025

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

Crl.O.P.No.799 of 2025

D.Venkatesan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kodungaiyur Police Station,
Chennai.
(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.N.Elumalai

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 Sections 8(c), 20(b)(ii)(C), 25 and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985, is on board for consideration.



CrI.O.P.No.799 of 2025

WEB COPY

2. The incarceration of the petitioner/A14 being from 14.11.2024 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 also submits that the petitioner is in no way connected with the alleged offence and also there is no recovery from the petitioner herein, however, he was arrested only based on the confession statement recorded from the other accused, which is inadmissible. He further reiterates that though the commercial quantity of contraband is stated to have been recovered from the other accused, there is no recovery from the petitioner/A14 and other than the confession statement, there is no other material to connect the petitioner to the crime. 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 on 10.11.2024, based on the secret information, the respondent and his team conducted a search near Kodungaiyur, back side of M.R.Nagar Seelam Bakery, during which, they have recovered 21.1 kilograms of Ganja, which is a commercial quantity, 100 grams of Ganja Oil from A1 to A3 and arrested them.



CrI.O.P.No.799 of 2025

He further submits that based on the confession statement recorded from A1, it came to light that the accused had purchased the contraband from the state of Andhra Pradesh and attempted to sell the same through the other accused for their personal gain. He further submits that based on the confession statement recorded from the arrested accused, 19 other accused were arrested and further, from them, 20 grams of Ganja chocolate and 1.102 kilograms of Ganja were seized. He also submits that though there is no previous case against the petitioner/A14 and no recovery from him, if he is released on bail, there is every possibility of him absconding and not available for further investigation.

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 further, there is no bad 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 including the counter filed by the respondent Police



Crl.O.P.No.799 of 2025

and taking note of the fact that there is no recovery from the petitioner and he has no previous case 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** (out of which, one of the sureties should be the blood related surety of the petitioner), each for a like sum to the satisfaction of the learned **Principal Special Court under EC & NDPS Act, Chennai – 600 104**, 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 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



CrI.O.P.No.799 of 2025

WEB COPY

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.

20.01.2025

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To

1. The Principal Special Court under EC & NDPS Act,
Chennai – 600 104.
2. The Inspector of Police,
Kodungaiyur Police Station,
Chennai.
3. The Superintendent,
Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.799 of 2025

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.799 of 2025

20.01.2025