



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2025

CORAM:

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

CRL.OP No. 996 of 2025

Bazeer Ahamed

...Petitioner

Vs.

The State Rep. by
The Inspector of Police
H-1, Washermenpet Police Station,
Chennai - 600 021. Crime No. 6 of 2024

...Respondent

PRAYER : This petition has been filed under Section 483 of BNSS, 2023, to enlarge the petitioner on Bail in C.C No. 779 of 2024 pending on the file of the II Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai.

For Petitioner : Mr.D.Manojkumar
For Respondent : Mr. V. Meganathan,
Government Advocate (Crl. side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on **10.12.2024** for the alleged offences punishable under Sections **8 (c) r/w 22(c) and 25, 29(1) of NDPS Act in crime No. 6 of 2024** 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 2kgs of Methamphetamine. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case based on the confession of A2 and A3 and the petitioner is under the judicial custody for the past one months. Hence, he prays to allow this petition.

4. The learned Government Advocate (Crl. side) submits that the petitioner is brother of A2, who purchased the contraband and handed over to the other accused persons. Further, the petitioner is having two NDPS cases, in which, in one case the police seized commercial quantity from the petitioner. Hence, he raised objection to grant bail.

5. On the other side, the petitioner's counsel submit that the petitioner



availed bail in other cases and also he relied the judgement of the Supreme Court in SLP (CRL.) No. 242 of 2022:

10. It has been held in clear terms in Tofan Singh Vs. State of Tamil Nadu⁶ , that a confessional statement recorded under Section 67 of the NDPS Act will remain inadmissible in the trial of an offence under the NDPS Act. In the teeth of the aforesaid decision, the arrests made by the petitioner-NCB, on the basis of the confession/voluntary statements of the respondents or the co-accused under Section 67 of the NDPS Act, cannot form the basis for overturning the impugned orders releasing them on 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 there is no recovery from this petitioner. Further, the defence taken by the petitioner that the petitioner has been impleaded in this case based on the confession statement of co-accused, which is a subject matter for trial and he availed bail in other cases. Hence, this Court is inclined to grant bail to the petitioner with the the following 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 (one blood surety and one local surety)**, each for a like sum to the satisfaction of the **learned II Additional Special Court for exclusive Trial of cases under NDPS 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 and 05.30 p.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



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 269 of BNS.

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To

1. The **II Additional Special Court for exclusive Trial of** cased under **NDPS Act, Chennai.**
2. The Inspector of Police
H-1, Washermenpet Police Station,
Chennai - 600 021.
3. The Central Prison, Puzhal Chennai.
4. The Public Prosecutor,
High Court of Madras.

T.V.THAMILSELVI, J.



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