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Crl.O.P.No.2646 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2646 of 2025

1.Kishore

2.M.Naveen

... Petitioners

Vs.

State of Tamil Nadu, Rep. by the Inspector of Police
P-6, Kodungaiyur Police Station
Chennai (Crime No.748 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in Crime
No.748 of 2024 on the file of the respondent Police.

For Petitioners : Mr.J.Anand

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

ORDER

This Criminal Original Petition has been filed by the petitioners/A2 &
A3, who were arrested and remanded to judicial custody on 22.10.2024, seeking
bail in Crime No.748 of 2024 registered for the offence under Sections 8(c)
r/w.22(c), 25 & 29(1) of the NDPS Act, 1985 is on board for consideration.

2.The case of the prosecution is that A1 to A6 were found in a car
bearing registration No. TN 10 AS 3477, in which 245 grams of
Methamphetamine were discovered. Based on A1's confession statement, the



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other accused were implicated in this case. The investigation further reveals that the first petitioner purchased the contraband and was selling it through A3 to A6.

3.The learned counsel for the petitioner submitted that aside from the confession statement recorded from the first accused, from whom the contraband was seized, there is no other material to implicate these petitioners in this case. He also submitted that the co-accused were already granted bail by this Court. He also submitted that the petitioners are in custody from 22.10.2024 and they are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.

4.The learned Government Advocate (Crl. Side), while opposing the grant of bail to the petitioners, reiterated the case of the prosecution. He further submitted that based on the confession statement of the first accused only the present petitioners were implicated in this case.

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

6.Considering the nature of allegations, period of incarceration undergone by the petitioner and the fact that the similarly placed co-accused were already granted bail by this Court in Crl.OP.Nos.31916 of 2024 & batch dated 29.01.2025 and Crl.OP.No.2881 of 2025 dated 06.02.2025 and since further



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custody of the petitioners is not required, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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 Special EC & NDPS Court, 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 petitioners shall report before the respondent police, everyday at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners 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 absconds, a fresh FIR can be registered under Section 269 of B.N.S.

12.02.2025

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To

1.The Special EC & NDPS Court,
Chennai

2.The Inspector of Police,
P-6, Kodungaiyur Police Station
Chennai

3.The Superintendent,
Central Prison, Puzhal, Chennai

4.The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN, J.
sai

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