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Crl.O.P.No.1970 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2025

CORAM

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

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Mahadevan

... Petitioner

Vs.

State, Rep. by the Inspector of Police  
S-7, Madipakkam Police Station  
Chennai 600 117  
(Crime No.544 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya  
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime  
No.544 of 2024 on the file of the respondent Police.

For Petitioner : Mr.G.Vinodhkumar

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

### **ORDER**

Petition seeking bail in respect of Crime No.544 of 2024 registered for  
the offences punishable under Section 8(c) r/w. Section 22(b), 29(1) and  
20(b)(ii)(A) of the NDPS Act, 1985 @ 8(c) r/w. Section 20(b)(ii)(A), 22(b), 22(c)  
and 29(1) of Narcotic Drugs and Psychotropic Substance Act, 1985 is on board  
for consideration.



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2.The incarceration of the petitioner/A14 being from 20.11.2024 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 further submit that although the respondent police initially stated that the seized contraband was Methaqualone, the forensic report contradicts this, showing the contraband as Pseudoephedrine and Cannabinoids. The learned counsel further submits that as per the forensic report, the recovered substances are controlled substances, and therefore, the rigors of Section 37 of the NDPS Act do not apply to the petitioners. He also submits that he co-accused were released on bail in Crl.OP.No.31757 of 2024 batch on 27.01.2025. He also submits that the petitioner, without prejudice to the defence and contention, is ready and willing to deposit a sum of Rs.5,000/- to any welfare scheme of the Government or any other organization. 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 12.11.2024 at about 15:45 hours, the Sub Inspector of Police received a tip-off about the illegal sale of contraband. Acting on this information, he, along with his team proceeded to the location near Puzhithivakkam Railway



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Station (South Side). There, five individuals were found acting suspiciously.

Upon inquiry, they were identified as the accused: Pradeep (A1), Shahabudeen (A2), Ashwin Brainod (A3), Gopalakrishnan (A4), and Prakash (A5). The accused were searched, and 998 grams of Methaqualone and 230 grams of OG Ganja were found in their possession. He further submits that there is no recovery from this petitioner.

4.Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of the "**District Legal Services Authority, Chennai**" without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.

5.Having 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 considering the period of incarceration undergone by the petitioner, 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**, each for a like sum to the satisfaction of the Principal Special Court under EC & NDPS Act, Chennai and on further conditions that:



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[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 06.30 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 absconds, a fresh FIR can be registered under Section 269 of B.N.S.

29.01.2025

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To  
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1.The Principal Special Court under EC & NDPS Act,  
Chennai

2.The Inspector of Police,  
S-7 Madipakkam Police Station  
Chennai 600 117

3.The Superintendent,  
Central Prison, Puzhal, Chennai

4.The Public Prosecutor,  
High Court of Madras.



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**A.D.JAGADISH CHANDIRA, J.**  
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