



Crl.O.P.No.2307 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2025

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.2307 of 2025

K.Shyamsundar

... Petitioner

Vs.

State Rep by
The Inspector of Police,
N-3 Muthialpet Police Station,
Chennai – 600 001.
Crime No.32 of 2023.

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail in C.C.No.639 of 2023, pending on the file of the learned Principal Special Court Exclusive Trial of NDPS Act cases, Chennai.

For Petitioner : Mr.M.G.Martin Manivannan

For Respondent : Mr.S.Balaji,
Government Advocate (Crl.Side)



Crl.O.P.No.2307 of 2025

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ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.03.2023, for the alleged offence under Sections 8(c) r/w 22(c), 25 & 29(1) and it was altered to Sections 8(c) r/w 20(a)(i), 22(c), 25 and 29(1) of NDPS Act, in Crime No.32 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 03.03.2023 at about 10 hours, based on the secret information, the respondent police along with their team went to the scene of occurrence near Stanley Rountana, Chennai, wherein they conducted vehicle check up and at that time, A1 and A2 came there in Honda Civic Car bearing Registration No.TN09-BA-6969 and A3 & A4 in a two wheeler bearing Registration No.TN04-AZ-2869 and they were found in possession of LSD stamp 300. Hence the case.

3. The learned counsel appearing for the petitioner would contend that this petitioner has been falsely implicated in this case for the offences under Sections 8(c) r/w 22(c), 25 & 29(1) and subsequently, altered to



Crl.O.P.No.2307 of 2025

Sections 8(c) r/w 20(a)(i), 22(c), 25 and 29(1) of NDPS Act, and this petitioner has been arrayed as A2 in this case. The petitioner is in judicial custody from 03.03.2023. This is the fourth bail petition filed by the petitioner. According to the prosecution, the petitioner was in possession of 100 nos. of LSD stamps, weighing 2.50 grams. In fact, the petitioner has not committed any offence as alleged in the FIR and he has been falsely implicated in this case. There are so many procedural violation while drawing samples and there is a delay in sending the samples of contraband to the Lab and the petitioner is under the custody for a long period without any trial and even though this Court directed the trial Court to complete the trial within 4 months but the trial has not been commenced so far. Co-accused were already released on bail. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that on 03.03.2023 at about 10 hours, when the Inspector of Police was in duty, he received a secret information and went to the place of occurrence and conducted vehicle check up and found the accused A1 and A2 came in a Honda Civic Car bearing Registration No.TN09 BA-6969 and the accused



Crl.O.P.No.2307 of 2025

A3 and A4 came in a two wheeler bearing Registration No.TN04 AZZ 2869 with illegal possession of banned contraband and the same were seized by the respondent police. As far as this petitioner is concerned, he has possessed 100 LSD stamps weighing about 2.50 grams, which is a commercial quantity and he was arrested and remanded to judicial custody on 03.03.2023. the quantity of materials involved in this case, is a commercial quantity and the entire contraband was recovered from A1 and A2, who purchased the same from A3 and A4. The accused were arrested and investigation was completed and the charge sheet was also filed and this Court already dismissed the earlier bail applications filed by the petitioner. Hence, he strongly opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the rival submissions made by the learned counsel on either side, the petitioner is in judicial custody from 03.03.2023, but trial has not yet been completed, even after direction was given by this Court to complete the trial within a stipulated period, no previous case is pending



Crl.O.P.No.2307 of 2025

against the petitioner, already co-accused were also released on bail, the arguments of the learned counsel appearing for the petitioner with respect to procedural violations have to be looked into by the trial Court and the petitioner is at liberty to raise the objections at the time of trial and considering the period of incarceration of the petitioner from 03.03.2023 and also considering all other factors, this Court is inclined to grant bail to the petitioner, subject to certain 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, each for a like sum to the satisfaction of the Principal Special Judge, Special Court for EC & NDPS Act, Chennai, and on further conditions that:-

[a] the petitioner shall report before the concerned NDPS Court, Chennai, on all working days at 10.30 a.m., until further orders.

[b] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;



CrI.O.P.No.2307 of 2025

WEB COPY

[c] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[d] the Petitioner shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Judicial 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]; and

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

31.01.2025

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CrI.O.P.No.2307 of 2025

To

- 1.The Principal Special Judge,
Special Court for EC & NDPS Act, Chennai,
- 2.The Inspector of Police,
N-3 Muthialpet Police Station,
Chennai.
- 3.The Superintendent,
Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court, Madras.



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Crl.O.P.No.2307 of 2025

P.DHANABAL, J.

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Crl.O.P.No.2307 of 2025

31.01.2025