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Crl.O.P.No.2330 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2330 of 2025

Sathishkumar

... Petitioner

Vs.

State Rep. by,
Inspector of Police,
S-7, Madipakkam Police Station
Cehngalpet.

... Respondent

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

For Petitioner : Mr.B.Chandra Sekar

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 12.11.2024, seeking bail in Crime No.544 of 2024 registered for the offence under Sections 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



2.The case of the prosecution 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 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. Hence the case.

3.Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner is in custody from 12.11.2024 and he is ready to abide by any stringent conditions that may be imposed by this Court. He further submitted 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 submitted 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 submitted that the co-accused were released on bail in CrI.OP.No.31757 of 2024 batch on 27.01.2025. Hence, he



prayed for grant of bail to the petitioner.

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4.Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, submitted that on 12.11.2024 at about 15:45 hours, near Puzhithivakkam Railway Station (South Side), 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.

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 allegation, period of incarceration and that there is no recovery from this petitioner, this Court finds that further custody of the petitioner is not necessary for investigation. Therefore, this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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 learned **II Judicial**



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Magistrate, Alandur, 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 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 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 B.N.S.

31.01.2025

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To

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- 1.The II Judicial Magistrate,
Alandur
- 2.The Inspector of Police,
S-7, Madipakkam Police Station
Cehngalpet.
- 3.The Superintendent,
Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN, J.

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