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Crl.O.P.No.2270 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2025

CORAM

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

Crl.O.P.No.2270 of 2025

1. Ashok Kumar

2.Harikannan

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
S7 - Madipakkam Police Station,
Chennai

(Crime No.544 of 2024).

... Respondent

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

For Petitioners : Mr.N.Naresh

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 Sections 8(c) read with Section 22(b), 29(1) and



Crl.O.P.No.2270 of 2025

20(b)(ii)(A) of NDPS Act @ 8(c) read with Section 20(b)(ii)(A), 22(b), 22(c) and 29(1) of NDPS Act, is on board for consideration.

2. The incarceration of the petitioners being from 18.11.2024 pleading innocence on the part of the petitioners and false implication in the case, learned counsel for the petitioners 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. He 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 co-accused were released on bail in Crl.O.P.No.31757 of 2024 batch on 27.01.2025. He submits that the petitioners, without prejudice to the defence and contention, are ready and willing to deposit a sum of Rs.5,000/-each, to any welfare scheme of the Government or any other organization. He further submits that the petitioners are ready to abide by any stringent condition that may be imposed by this court.



Crl.O.P.No.2270 of 2025

WEB COPY

3. The case of the prosecution as putforth by the learned Government Advocate (Crl.Side) appearing for the respondent police, opposing for grant of bail, is that on 12.11.2024 at about 15.45 hrs, the Sub Inspector of Police received a tip-of 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. He further submit that, petitioners has no previous cases.

4. Considering the voluntary submission made by the learned counsel for the petitioners, the petitioners are directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand only)each**, to the credit of "**Light Social Welfare Trust Canara Bank, Arumuganeri Branch A/c.No.1102101018391 IFSC Code : CNRB0001102**", without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.



Crl.O.P.No.2270 of 2025

WEB COPY

5. Further, having heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record, this court is inclined to grant bail to the petitioners with certain conditions and accordingly, he 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 **Judicial Magistrate No.II, Alandur, 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



CrI.O.P.No.2270 of 2025

action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

30.01.2025

Sma

To

1. Judicial Magistrate No.II, Alandur, Chennai
- 2.The Inspector of Police,
S7 - Madipakkam Police Station,
Chennai
3. The Superintendent,
Central Prison at Puzhal, Chennai - 66
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.2270 of 2025

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.2270 of 2025

30.01.2025