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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.2628 of 2025

Zidan Muhammad Zabin

...Petitioner/Accused 9

Vs.

State rep by
The Inspector of Police,
J.J.Nagar Police Station,
Chennai.
(Crime No.728 of 2024)

... Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.728 of 2024 pending investigation on the file of the respondent police.

For Petitioner : Mr.S.Ruben

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



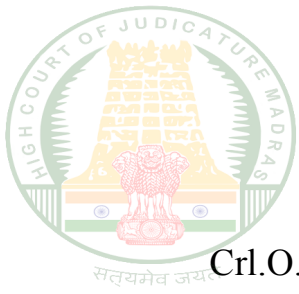
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ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 30.11.2024, seeking bail in Crime No.728 of 2024 registered for the offence under Sections 8(c), 22(c), 29(1) and 20(b)II(b) of NDPS Act, 1985.

2.It is the case of the prosecution that on a secret information, the respondent police went to the scene of occurrence near E.B Park, Mogappair and found A1/Karthikeyan and A2/Aravind Balaji in possession of 197 LSD stamps, 48 nos of MDMA and 1.800 kgs of ganja and 422 grams of OG ganja and 62.9 grams of ganja oil and 0.5 grams of Methamphetamine. Hence, the case.

3.The learned counsel for the petitioner/A9 would submit that the allegations are false; that the petitioner has no previous cases and that he is sought to be implicated only on the confession of co-accused; that the petitioner has satisfied the requirement of twin conditions of Section 37 of NDPS Act. The learned counsel for the petitioner would further submit that this Court had granted bail to similarly placed co-accused in this case in



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Crl.O.P.Nos.31758 of 2024 and 238, 468, 1734, 1975, 2243, 71, 89, 111, 154 of 2025 on 29.01.2025 and 07.01.2025 and prayed that considering the period of incarceration suffered by the petitioner, he may be released on bail.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the contraband has been recovered from the co-accused and no previous case is pending against the petitioner; that based on the confession of the co-accused, the petitioner has been implicated in this case. He further confirms the fact that the similarly placed co-accused were granted bail by this Court and that no previous case is pending against the 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.This Court had considered the bail application of the co-accused wherein this Court has observed as follows:

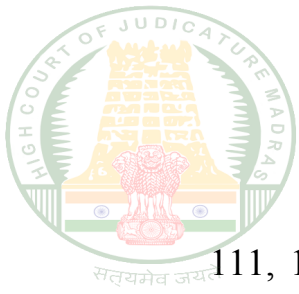


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*“18.Having heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record including the counter affidavit filed by the respondent, this Court does not want to delve deeply into the matter, as the investigation is still pending. However, taking into consideration the discrepancies in the investigation as pointed out by the learned counsel for the petitioners based on the documents furnished along with the bail petition, this Court is of the opinion that the petitioners have satisfied the conditions required under Section 37 of the NDPS Act for the granting of bail and thereby, this Court is inclined to grant bail to the petitioners with certain conditions and accordingly, the petitioners are ordered to be released on bail on their executing a separate bond each for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, (Out of the two sureties, one must be either the mother or father of the petitioners, except in the case of the petitioner in Crl.OP.No.1975 of 2025. For the petitioner in Crl.OP.No.1975 of 2025, one surety must be a blood relative) each for a like sum to the satisfaction as follows:”*

7.The petitioner was not found in possession of any contraband. The only material to implicate him is the confession of the co-accused. The petitioner has no previous cases. Hence, this Court is of the view that the petitioner has satisfied the twin conditions under Section 37 of the NDPS Act. Considering the fact that co-accused have been granted bail by this Court in Crl.O.P.Nos.31758 of 2024 and 238, 468, 1734, 1975, 2243, 71, 89,



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111, 154 of 2025 on 29.01.2025 and 07.01.2025; that no previous case is pending against the petitioner; that the period of incarceration and since further custody of the petitioner is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioner with certain conditions:

8. 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 **Judicial Magistrate, Ambattur**, 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 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;



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[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.

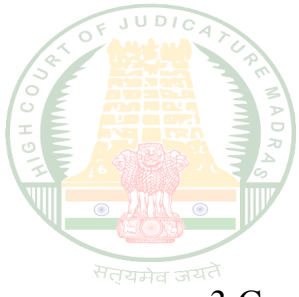
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Copy to:

1.The Inspector of Police,
J.J.Nagar Police Station,
Chennai.

2.The Judicial Magistrate, Ambattur.



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3. Central Prison, Puzhal.

4. The Public Prosecutor,
High Court, Madras.

SUNDER MOHAN, J.

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