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Crl.O.P.No.4404 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.4404 of 2025

Komanapalli Kanaka Raju

...Petitioner/Accused

Vs.

The State of Tamil Nadu,
Rep. by the Inspector of Police,
NIB CID, Chennai. (Crime No.23 of 2024)

....Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to grant bail to the petitioner who is in judicial custody in Crime No.23 of 2024 on the file of the respondent Police.

For Petitioner : Mr.B.Pandiarajan

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 05.11.2024, seeking bail in Crime No.23 of 2024 registered for the offence under Sections 8(c) r/w.20(b)(ii)(C), 25, 29(1) of the NDPS Act.



2.The case of the prosecution is that on a secret information, the respondent arrested A1 to A6 who were unloading ganja bundles from the Container Lorry bearing Reg. No.TN18 BP5344 and loading them into two Load Carrier Autos bearing Reg. Nos.TN21 J 4379 & TN05 BU 3945 respectively and that they were found in possession of 106.400 gms of dry ganja which were packed in 52 brown colour bundles and that the petitioner/A7 was implicated on the confession of co-accused alleging that he supplied the contraband to the other accused. Hence, the case.

3.Learned counsel appearing for the petitioner submitted that the allegations against the petitioner are false and that the petitioner is innocent; that based on the confession statement of the co-accused the petitioner is sought to be implicated and that he has no previous case. He further submitted that the no seizure was made from the petitioner and that the co-accused were granted bail by the Principal Sessions Court, Chennai, since they were entitled to mandatory bail and in this case, the rigors of Section 37 of the NDPS Act would not be applicable to the petitioner and hence, he prayed for the grant of bail.



4.Per contra, learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and filed a counter affidavit and submitted that the contraband has been seized and that no seizure was made from the petitioner and also 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.The petitioner is sought to be implicated on the confession of co-accused. The petitioner was not found in possession of contraband and there is no other material to connect him with this other accused. Hence, this Court is of the view that the petitioner has satisfied the twin conditions under Section 37 of the NDPS Act. There is no previous case against the petitioner. Hence considering the period of incarceration, and the aforesaid facts 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.



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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 **Principal Special Court for Trial of NDPS Act, 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 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]***;

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

26.02.2025

rkp

Copy to:

- 1.The Inspector of Police,
NIB CID, Chennai.
2. Central Prison, Puzhal, Chennai.
- 3.The Princiapl Special Court for Trial of NDPS Cases,
Chennai.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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