



Crl. O.P. Nos.3760 & 4304 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2025

CORAM

**THE HON'BLE MR. JUSTICE SUNDER MOHAN**

Crl.O.P.Nos.3760 & 4304 of 2025

1. Shayamprasanth ... Petitioner in Crl.O.P.No.3760 of 2025 / A5  
2. Shyamson Devakumar ... Petitioner in Crl.O.P.No.4304 of 2025 / A8

Vs.

The State represented by,  
The Inspector of Police,  
P6 Kodungaiyur Police Station,  
Chennai – 600 012.  
(Crime No.804 of 2024). ... Respondent in both cases

**PRAYER:** Criminal Original Petitions filed under Section 483 of BNSS, pleaded to enlarge the petitioners on bail, in connection with the Crime No.804 of 2024, pending investigation on the file of the respondent Police.

For Petitioners  
in Crl.O.P.No.3760 of 2025 : Mr.A.Samson  
in Crl.O.P.No.4304 of 2025 : Mr.S.Thirugnanam

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

**COMMON ORDER**

These Criminal Original Petitions have been filed by the petitioners, who



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were arrested and remanded to judicial custody on 11.11.2024, seeking bail in Crime No.804 of 2024 registered for the offence under Sections 8(c), 20(b)(ii)(C), 25 and 29(1) of NDPS Act.

2. The case of the prosecution is that on secret information, the respondent conducted a search and seized about 22.202 kilograms of Ganja, 100 grams of Ganja oil and 20 grams of Ganja Chocolate from A1 and the petitioners were implicated on the confession of the co-accused; that there is no recovery from A5 and A8/ petitioners herein.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent; that they are not at all involved in any offence; that they have been falsely implicated in this case on the confession of the co-accused; that the co-accused have been granted bail; that in any case, considering the nature of evidence against these petitioners, the petitioners have satisfied the conditions required under Section 37 of NDPS Act; and hence prayed for grant of bail.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, reiterated the prosecution case and submitted that the petitioners are



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sought to be implicated only on the confession of the co-accused viz., A1 and there is no recovery from the petitioners.

5. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. This Court finds that the similarly placed co-accused have been released on bail by orders of this Court dated 21.12.2024 and 24.01.2025 in Crl.O.P.No.32168 of 2024 and Crl.O.P.No.1615 of 2025, respectively. The only material available against the petitioners, is the confession of the co-accused. Hence, this Court is of the view that the petitioners have satisfied the twin conditions required under Section 37 of the NDPS Act. The petitioner in Crl.O.P.No3760 of 2025/A5, has two cases, out of which one is for offence under NDPS Act and the other is for IPC offence.

7. Considering the aforesaid facts, the period of incarceration and since further custody of the petitioners is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioners with certain conditions.



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8. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** each with **two sureties**, each for a like sum to the satisfaction of the learned **Principal Special Judge, Principal Special Court under EC and 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 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 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



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registered under Section 269 B.N.S.

**19.02.2025**

*ars*

**SUNDER MOHAN., J.**

*ars*

To

1. The Principal Special Judge, Principal Special Court under EC and NDPS Act, Chennai.
2. The Inspector of Police, P6 Kodungaiyur Police Station, Chennai.
3. The Superintendent of Police, Central Prison, Puzhal, Chennai.
4. The Superintendent of Police, Central Prison, Puzhal-II, Chennai.
5. The Public Prosecutor, High Court of Madras.

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