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Crl.O.P.No.4006 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.4006 of 2025

Christopher @ Christo Prasanna Kumar J ...Petitioner/Accused

Vs.

State through
The Inspector of Police,
S-7, Madipakkam Police Station,
Chengalpet District.

(Crime No.544 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.544 of 2024 pending investigation on the file of the respondent police.

For Petitioner : Mr.D.Chandra Sekar

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 15.11.2024, seeking bail in Crime No.544 of 2024 registered for the offence under Sections 8(c) r/w 22(b), 29(1) and 20(b)(ii)(A) of NDPS Act @ 8(c) r/w 20(b)(ii)(A), 22(b), 22(c) and 29(1) of NDPS Act.

2.It is the case of the prosecution that the petitioner along with the other accused was found in illegal possession of 998 grams of Methaqualone and 230 grams of OG ganja. Hence, the case.

3.The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He also submitted that the petitioner is in custody from 15.11.2024 and that although the respondent police initially stated that the seized contraband was Methaqualone, the FSL report contradicts this, showing the contraband as Pseudoephedrine and Cannabinoids. He further submitted that as per FSL report, the recovered substances are controlled substances and therefore,



rigors of Section 37 of the NDPS Act do not apply to the petitioners. He further submitted that there was no recovery from the petitioner and that the co-accused was granted bail by this Court in Crl.O.P.2330 of 2025 dated 31.01.2025.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the case of the prosecution and submitted that the contraband has been seized and that no recovery was made from 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.Considering the period incarceration and that no recovery was made from the petitioner and the fact that the FSL report confirms the fact that the contraband seized is not a scheduled substance and that co-accused has been released on bail by this Court in Crl.O.P.No.2330 of 2025 and since further custody of the petitioner is not required for the purposes of interrogation,



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 Sessions Judge for EC and NDPS Court, 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



Crl.O.P.No.4006 of 2025

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.

17.02.2025

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Copy to:

1.The Inspector of Police,
S-7, Madipakkam Police Station,
Chengalpet District.

2.The Principal Sessions Judge for EC and NDPS Court, Chennai.

3.The Superintendent of Prison,
Central Prison, Puzhal, Chennai.

4.The Public Prosecutor,
High Court, Madras.

SUNDER MOHAN, J.



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CrI.O.P.No.4006 of 2025

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