



Crl. O.P. No.4223 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.4223 of 2025

Subinraj S/o. Mohandoss

... Petitioner/Accused

Vs.

The State represented by-

The Inspector of Police,
P-6 Kodungaiyur Police Station,
Chennai District.
(Crime No.804 of 2024).

... Respondent

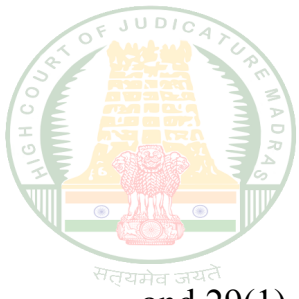
PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.804 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr. D. Gokul Krishnan

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 03.08.2024, seeking bail in Crime No.71 of 2025 registered for the offences under Sections 8(c), 20(b)(ii)(B), 25



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and 29(1) of NDPS Act.

2. The case of the prosecution is that based on the secret information, the respondent police found A1 with illegal possession of 21.202 kgs of Ganja and 100 grams of Ganja oil and his confession revealed that A1 and A2 purchased the Ganja from A21 and A22 and used to give it to the petitioner to make retail sale.

3. Learned counsel appearing for the petitioner submitted that the allegations against the petitioner are false; that no recovery of contraband was made from this petitioner and he is sought to be implicated as an accused based on the confession of the co-accused and hence prayed for grant of bail.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, reiterated the prosecution case and also filed a counter affidavit of the respondent police, which confirms the fact the petitioner is sought to be implicated as an accused based on the confession of A1.

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.



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6. Admittedly, no seizure was made from the petitioner and he is sought to be implicated as an accused based on the confession of the co-accused. There is no previous case against the petitioner. Hence this Court is of the view that the petitioner has satisfied the requirement of twin conditions under Section 37 of NDPS Act.

7. Hence considering the nature of allegations, period of incarceration, the fact that no recovery was made from this petitioner and contraband was seized from A1 and based on his confession, the petitioner is sought to be implicated as an accused, the petitioner has no previous cases 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 learned **X Metropolitan Magistrate, Egmore, Chennai**

[a] the sureties shall affix their photographs and Left



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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, daily 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;

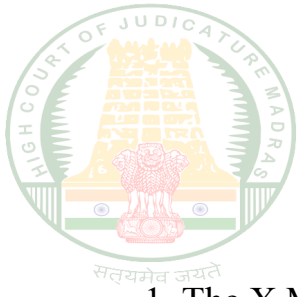
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]*;

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

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To



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1. The X Metropolitan Magistrate, Egmore, Chennai.
2. The Inspector of Police, P-6 Kodungaiyur Police Station, Chennai District.
3. The Superintendent of Police, Central Prison, Puzhal-II, Chennai.
4. The Public Prosecutor, High Court of Madras.



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SUNDER MOHAN., J.

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