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Crl. O.P. No.3848 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.No.3848 of 2025

Arumugam

... Petitioner/Accused

Vs.

The State represented by-

The Inspector of Police,
H-5 New Washermenpet Police Station,
Chennai.

(Crime No.1379 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.1379 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr. D.Padmanabhan

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 17.11.2024, seeking bail in Crime No.1379 of 2024 registered for the offences under Sections 8(c), 20(b)(ii)(B),



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25(1A) of NDPS Act.

2. The case of the prosecution is that on secret information, with regard to illegal sale of ganja in MPT Housing Board, behind Bumiswaran Kovil, the respondent seized 21 Kgs of ganja from A1 and A2.

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; that he has been in custody from 17.11.2024 and that in any case, further custody of the petitioner is not required for the purpose of investigation 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 contraband seized is of commercial quantity and the petitioner is sought to be implicated as an accused based on the confession statement of co-accused and the petitioner is having 16 previous cases including 3 cases under NDPS Act and one murder case and he is on bail in all those previous cases.

5. Heard the learned counsel appearing for the petitioner and the learned



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Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

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. Though the petitioner has previous cases, he is on bail in those cases. Hence this Court is of the view that the petitioner has satisfied the requirement of twin conditions under Section 37 of NDPS Act.

7. Considering the aforesaid facts, the nature of allegations, 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 learned **XVI Metropolitan Magistrate, George Town, Chennai.**

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may



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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.

19.02.2025

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To

1. The XVI Metropolitan Magistrate, George Town, Chennai.
2. The Inspector of Police, H-5 New Washermenpet Police Station, Chennai.
3. The Superintendent of Police, Central Prison, Puzhal-II, Chennai.



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4. The Public Prosecutor, High Court of Madras.

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SUNDER MOHAN., J.

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