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Crl. O.P. No.4227 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.4227 of 2025

Mohamed Althaf

... Petitioner/Accused

Vs.

The State represented by-

The Inspector of Police,
D-1 Triplicane Police Station,
Chennai.

(Crime No.41 of 2025).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.41 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr.N.Thamizhanbam

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 27.01.2025, seeking bail in Crime No.41 of 2025 registered for the offences under Sections 8(c) r/w 22(b) of NDPS



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Act.

2. The case of the prosecution is that the petitioner/accused was found in possession of 10 grams of Methamphetamine.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent; that he has not at all involved in any offence as alleged by the prosecution; that he has been falsely implicated in this case; and that he is in judicial custody from 27.01.2025 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 from the petitioner is an intermediate quantity and the petitioner has no previous case.

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 nature of allegations, period of incarceration, the



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contraband seized from the petitioner was of intermediate quantity and there are no previous cases against the petitioner 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.

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 learned **Special Judge, at NDPS & EC Court, Chennai.**

[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 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;



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[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 Special Judge, at NDPS & EC Court, Chennai.
2. The Inspector of Police, D-1 Triplicane Police Station, Chennai.
3. The Superintendent of Police, Central Prison, Puzhal, Chennai.
4. The Public Prosecutor, High Court of Madras.



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SUNDER MOHAN., J.

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