



Crl. O.P. No.4405 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.4405 of 2025

Ibrahim @ Cyril S/o. Malcama

... Petitioner/Accused-5

Vs.

The State represented by-

The Inspector of Police,
J-8 Neelankarai Police Station,
Chennai.
(Crime No.533 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.533 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.Victor Samvel

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 13.11.2024, seeking bail in Crime No.18 of 2025 registered for the offences under Sections 8(c) read with 22(c),



Crl. O.P. No.4405 of 2025

29(1) and 22(b) of NDPS Act.

2. The case of the prosecution is that A1 to A3, on secret information, were found in possession of 51 grams of Methamphetamine; that on confession, the petitioner was implicated and the confession revealed that the petitioner had purchased the contraband from Delhi and handed it over to A3, who in turn, handed it over to A1 and A2; and that the petitioner was arrested for the possession of 250 grams of Hasish Oil and the same was seized.

3. Learned counsel appearing for the petitioner submitted that the allegations are false; that the petitioner has no previous case; that he is sought to be implicated, only based on the confession statement of the co-accused; that contraband seized from him is intermediate in quantity and therefore, rigors of . Section 37 of NDPS Act would not be applicable. He also submitted that the petitioner is in custody from 13.11.2024 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case. The learned Government Advocate further submitted that the



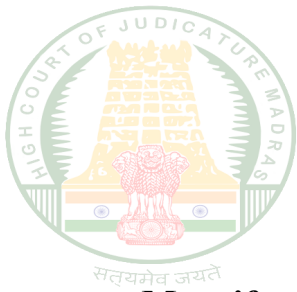
Crl. O.P. No.4405 of 2025

petitioner was implicated based on the confession of A1 and A2 and no seizure was made from the petitioner and he is a Nigerian national.

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. It is a fact that there was no seizure of Methamphetamine from this petitioner. The contraband seized from this petitioner is 250 grams of Hasish oil, which is intermediate quantity. There is no material connecting the petitioner with other accused except the confession of the co-accused. In such circumstances, the petitioner has satisfied the twin conditions required under Section 37 of NDPS Act. Hence, considering 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.

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 **District**



Crl. O.P. No.4405 of 2025

Munsif-cum-Judicial Magistrate Court, Sholinganallur.

[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;

[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.



Crl. O.P. No.4405 of 2025

WEB COPY

[g] Since the petitioner is a Nigerian National, the respondent shall **communicate the order of granting bail, to the concerned Registration Officer appointed under Rule 3 of Registration of Foreigners Rules, 1992 as per the decision of the Hon'ble Supreme Court in Frank Vitus vs. Narcotics Control Bureau and others in Crl. Appeal Nos.2814-2815 of 2024 dated 06.01.2025.**

24.02.2025

mjs

To

1. The District Munsif-cum-Judicial Magistrate Court, Sholinganallur.
2. The Inspector of Police, J-8 Neelankarai Police Station, Chennai.
3. The Superintendent, Central Prison, Puzhal, Chennai.
4. The Public Prosecutor, High Court of Madras.



WEB COPY



Crl. O.P. No.4405 of 2025

SUNDER MOHAN., J.

mjs

Crl.O.P.No.4405 of 2025

24.02.2025