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Crl.O.P.No.6057 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.6057 of 2025

Joby Joseph

... Petitioner

Vs.

State rep. by,
The Inspector of Police,
NIB-CID,
Coimbatore District.
(Cr.No.22 of 2022)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime
No.22 of 2022 pending on the file of the respondent.

For Petitioner : Mr.S.Senthilvel

For Respondent : Mr.R.Vinoth Raja
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 04.02.2022, for the offence punishable under Sections 8(c) r/w
20(b)(ii)(A) of NDPS Act in connection with Crime No.22 of 2022,
registered on the file of the respondent, seeks bail.



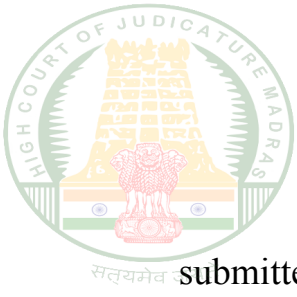
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2. The case of the prosecution is that the petitioner is arrayed as A2 in this case. The petitioner was employed as a cleaner in a lorry bearing Reg.No.TN 45 BP 7825 and A1 is a driver of the said lorry. While they were travelling in the said lorry, upon secret information, the respondent Police found that they were in illegal possession of 176 Kgs of Ganja. A3 and A4 are said to have been following the said lorry in the car, in order to give information about the police. However, A1, A3 and A4 have also been arrested and released on bail except the petitioner. Hence the case.

3. Learned counsel appearing for the petitioner submitted that though the Hon'ble Supreme Court has granted bail to A1 considering his period of incarceration, however, the petitioner is still remanded in judicial custody. In addition to A1 being granted bail by the Hon'ble Apex Court, A3 and A4 were also granted bail by this Court. He further prayed that the petitioner is also entitled for bail and also that the petitioner is ready to abide by any stringent condition 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, he



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submitted the counter affidavit wherein it is stated that the petitioner was found in possession of 176 Kgs of Ganja, which is a commercial quantity under NDPS, Act.

5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case and in view of the fact that though all the four accused persons have committed the aforesaid offence, except the petitioner all the others were granted bail by the Hon'ble Supreme Court and this Court as well. Hence, 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.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned XIII Metropolitan Magistrate, Egmore and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a



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copy of any one of the identity proofs to ensure their identity;

[b] the the petitioner shall report before the trial Court on all hearing dates without fail and thereafter as and when required for interrogation

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;

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



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Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

- 1.The XIII Metropolitan Magistrate, Egmore
- 2.The The Inspector of Police,
NIB-CID,
Coimbatore District.
3. Central Prison, Puzhal, Chennai
- 4.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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