



Crl.O.P.No.5363 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.5363 of 2025

Anandraj @ Happy Anand

... Petitioner/A3

Vs.

The State represented by,
The Inspector of Police,
Singanallur Police Station,
Coimbatore District.
(Crime No.609 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.609 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.P.Srinivasan

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 24.12.2024, seeking bail in Crime No.609 of 2024 registered for the offence under Sections 8(c) read with Section 20(b)(ii)(C), 25 and 29(1) of NDPS Act, 1985.



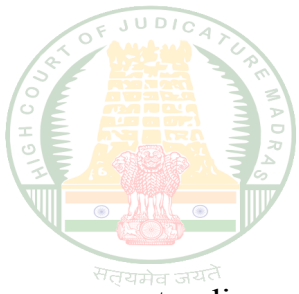
Crl.O.P.No.5363 of 2025

WEB COPY

2. The case of the prosecution is that, based on the secret information, the respondent police intercepted a car, in which, A1 and A2 were travelling and that the other accused including the petitioner, who is arrayed as A3 were standing outside the car and found that A1 and A2 were in possession of 23 kgs of ganja. It is the further case of the prosecution that, petitioner came there to purchase ganja @ Rs.10,000/- per kg and he was arrested along with A1 and A2. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that even according to the prosecution, the petitioner was not travelling in the car; that he had no knowledge about the quantity of the contraband brought by A1 and A2 and in any case, even as per the allegations, petitioner satisfied the twin conditions as contemplated under Section 37 of the NDPS Act and sought for bail to the petitioner.

4. Learned Government Advocate (Crl.Side) reiterated the prosecution case and confirmed the fact that the contraband was seized from A1 & A2 in the car and that no contraband was seized from the petitioner; that the petitioner was



Crl.O.P.No.5363 of 2025

standing outside the car; that petitioner has three previous cases under IPC which includes Section 302 of IPC.

5. This Court had perused the FIR, and the counter filed by the respondent. Admittedly, A1 & A2 were traveling in the car and they were found in possession of ganja for the purpose of selling it to the other accused, The petitioner did not travel in the said car and no contraband was seized from him. His role was revealed from the confession of the co-accused. Thus, petitioner has satisfied the twin conditions contemplated under Section 37 of NDPS Act.

6. Considering, above said facts; the period of incarceration; the fact that the petitioner has no similar previous case and since further custody 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 **Judicial Magistrate No.III, Coimbatore.**



WEB COPY



Crl.O.P.No.5363 of 2025

[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, everyday 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.

13.03.2025

Sma



Crl.O.P.No.5363 of 2025

To
WEB COPY

1. Judicial Magistrate No.III, Coimbatore.
2. The Inspector of Police,
Singanallur Police Station,
Coimbatore District.
3. The Superintendent,
Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.5363 of 2025

SUNDER MOHAN., J.

Sma

Crl.O.P.No.5363 of 2025

13.03.2025