



Crl.O.P.No.5849 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 07.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.5849 of 2025

C.Gowtham

...Petitioner/A1

Vs.

The State Represented by
The Inspector of Police,
Uthukuli Police Station,
Thiruppur District.
(Crime No.302 of 2022)

... Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in C.C. No.170 of 2022 pending on the file of the Additional District Judge/Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore District.

For Petitioner : Mr.C.D.Sugumar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)



Crl.O.P.No.5849 of 2025

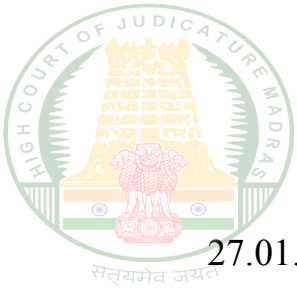
WEB COPY

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 04.09.2022, seeking bail in C.C. No.170 of 2022 pending on the file of the Additional District Judge/Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore District, in Crime No.302 of 2022 registered for the offence under Section 8(c) r/w 20(b)(ii)(C), 25 and 29(1) of NDPS Act.

2.The case of the prosecution is that on a secret information, the respondent police went to the scene of occurrence and found the petitioner along with the other accused in possession of 21.300 kgs of ganja.

3. The learned counsel for the petitioner would submit that the petitioner is in custody from 04.09.2022; that the trial is not likely to be completed in the near future; that so far, only one witness has been examined on the side of the prosecution; that the co-accused viz., A2 to A4 were released on bail by this Court in Crl.O.P. No.1658 of 2023 dated



Crl.O.P.No.5849 of 2025

27.01.2023, Crl.O.P. No.15543 of 2024 dated 15.07.2024 and Crl.O.P. No.26738 of 2024 dated 07.11.2024; that in any case, considering the long period of incarceration, he may be released on bail.

4.The learned Government Advocate submitted that the trial has commenced and so far one witness has been examined and that 14 other witnesses have to be examined. He further submitted that the petitioner has two previous cases under the NDPS Act, and one previous case he was acquitted and is on bail in the other 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.Admittedly, the petitioner is in custody from 04.09.2022. Though the petitioner has two previous cases, he has been acquitted in one case and he is on bail in other case. The co-accused were granted bail by this Court



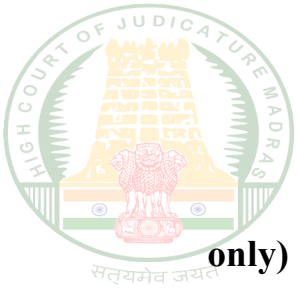
Crl.O.P.No.5849 of 2025

in Crl.O.P. No.1658 of 2023 dated 27.01.2023, Crl.O.P. No.15543 of 2024 dated 15.07.2024 and Crl.O.P. No.26738 of 2024 dated 07.11.2024. The Hon'ble Supreme Court in *Rabi Prakash Vs. The State of Odisha* reported in 2023 LiveLaw (SC) 533, has held as follows:

“4.....The prolonged incarceration, generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such a situation, the conditional liberty must override the statutory embargo created under Section 37(1)(b)(ii) of the NDPS Act.”

7.Considering the nature of allegations, period of incarceration and the fact that the co-accused were released on bail; that the trial is not likely to be completed in the near future; in view of the aforesaid observations of the Hon'ble Supreme Court and since further custody of the petitioner is not required, 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

Additional District Judge/Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore, and on further conditions that:

[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 Additional District Judge/Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore 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***



Crl.O.P.No.5849 of 2025

of Kerala [(2005)AIR SCW 5560];

WEB COPY

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

07.03.2025

rkp

Copy to:

- 1.The Inspector of Police,
Uthukuli Police Station,
Thiruppur District.
- 2.The Additional District Judge/Presiding Officer,
Special Court for Essential Commodities Act Cases,
Coimbatore
- 3.The Central Prison, Coimbatore.
- 4.The Public Prosecutor,
High Court, Madras.



WEB COPY



CrI.O.P.No.5849 of 2025

SUNDER MOHAN, J.

rkp

CrI.O.P.No.5849 of 2025

07.03.2025