



Crl.O.P.No.5869 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 20.03.2025

PRONOUNCED ON : 24.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.5869 of 2025

Anton Sanujan ... Petitioner/Accused

Vs.

Union of India,
Rep. by
The Intelligence Officer,
NCB Chennai. ... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, pending investigation in RR No.37 of 2024 in NCB No.48/1/14/2024 ncb/mds on the file of JM, Ambattur.

For Petitioner : M/s.M.Parvathi Srinivasan
For Respondent : Mr.N.P.Kumar
Special Public Prosecutor.

ORDER

This Criminal Original Petition has been filed by the petitioner,



Crl.O.P.No.5869 of 2025

who was arrested and remanded to judicial custody on

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13.06.2024 seeking bail in connection with the case in RR No.37 of 2024 in NCB No.48/1/14/2024 ncb/mds, registered for the offence under Sections 8(c) r/w 22(c), 27A, 28 and 29 of NDPS Act.

2. (i) The case of the prosecution is that on a secret information, two Sri Lankan nationals viz., first and second accused were intercepted and they were found in possession of 1.470 Kgs of white-coloured crystal substance, later confirmed to be Methamphetamine; that their confession revealed that the petitioner, who is also a Sri Lankan national was their associate and he had arranged for the contraband; that the contraband was meant to be smuggled to Sri Lanka; that the petitioner along with A1 and A2, was a carrier of contraband to Sri Lanka at the instance of A6. Hence, the case.

3. The learned counsel for the petitioner submitted that no contraband was seized from the petitioner; that the petitioner is sought to be implicated only on the confession of the co-accused; that the



Crl.O.P.No.5869 of 2025

petitioner has no bad antecedents; that similarly placed co-accused, who are implicated on the confession of the co-accused were released on bail by this Court in Crl.OP.No.32161 of 2024 by order dated 21.01.2025 and Crl.OP.No.29139 of 2024 by order dated 09.12.2024; that further custody of the petitioner is not required for the purpose of investigation and sought for bail.

4. The learned Special Public Prosecutor appearing for the respondent, while opposing the grant of bail to the petitioner, reiterated the prosecution case and also filed a counter affidavit of the respondent, which stated that the petitioner is a close associate of the first and second accused and stayed along with them in the refuge camp in Tamil Nadu; that since the quantity seized from the co-accused is a commercial quantity of Methamphetamine, the rigors of Section 37 of the NDPS Act, would be applicable; and that the petitioner has not satisfied the twin conditions under Section 37 of the NDPS Act, and hence is not entitled to bail.

5. Admittedly, no contraband was seized from the petitioner. There

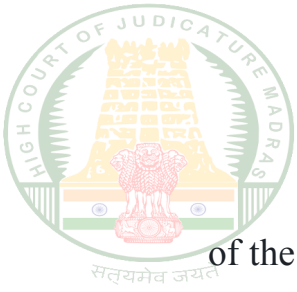


Crl.O.P.No.5869 of 2025

is no other material apart from the confession of the co-accused to implicate this petitioner. The petitioner has no bad antecedents. Hence, this Court is of the view that the petitioner has satisfied the twin conditions under Section 37 of the NDPS Act. Further the petitioner was arrested on 13.06.2024 and the similarly placed co-accused were released on bail by this Court in in Crl.OP.No.32161 of 2024 by order dated 21.01.2025 and Crl.OP.No.29139 of 2024 by order dated 09.12.2024.

6. Therefore, considering the aforesaid facts and the period of incarceration, this Court is of the view that further custody of the petitioner is not required for the purpose of investigation and is inclined to grant bail to the petitioner with certain conditions. However, since the petitioner is a Sri Lankan national, the respondent shall inform the Registration Officer under the Registration of Foreigners Rules, 1992 about this order.

7. Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties each for a like sum to the satisfaction



Crl.O.P.No.5869 of 2025

of the learned XVI Metropolitan Magistrate, George Town, Chennai, and
on further conditions that:-

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned 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. for the period of four months and apart from that, he shall appear for every hearing before the trial Court regularly without fail. If any deviation in complying any of the conditions, bail granted to the petitioner shall stand cancelled;

(c) the petitioner shall not commit any offences of similar nature;

(d) the petitioner shall not abscond either during investigation or trial;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the



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Crl.O.P.No.5869 of 2025

learned Judicial 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]*;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC; and

[h] Since the petitioner is a Sri Lankan 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.**

24.03.2025

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Crl.O.P.No.5869 of 2025

SUNDER MOHAN., J.

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To

- 1.The XVI Metropolitan Magistrate, George Town, Chennai.
- 2.The Intelligence Officer, NCB Chennai.
- 3.The Superintendent of Prison, Central Prison, Puzhal.
- 4.The Public Prosecutor, High Court, Madras

Pre-delivery order
Crl.O.P.No.5869 of 2025

24.03.2025