



Crl. O.P. No.5933 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl. O.P. No.5933 of 2025

S. Manikandan S/o. Sengalan

... Petitioner / Accused

Vs.

The State represented by:

The Inspector of Police,
F4 Thousand Lights Police Station,
Chennai.
(Crime No.49 of 2025).

... Respondent

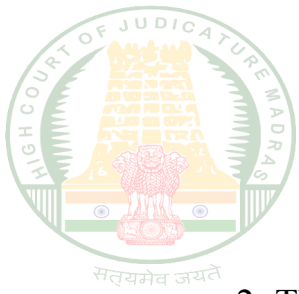
PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.49 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr. M. Rajavelu

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 04.02.2025, seeking bail in Crime No.49 of 2025 registered for the offences under Sections 8(c) read with 20(b)(ii)(B) and 29(1) of NDPS Act.



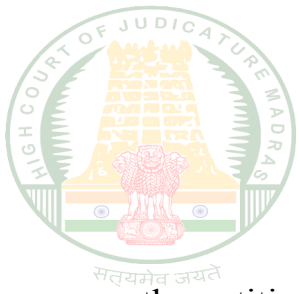
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2. The case of the prosecution is that on secret information, the respondent seized 105 Nitrazepam Tablets and 80 bottles of Choco syrup; that on the confession of the co-accused, A1 was arrested and he was found in possession of 105 Nitrozepam tablets and 2 bottles of Cough Codine Phosphate & Tri Prolidine Hydro Chloride Syrup choco and on his confession, the petitioner was arrested on 04.02.2025 for the illegal possession of 78 bottles of Cough Codine Phosphate & Tri Prolidine Hydro Chloride Syrup choco and thus, committed the aforesaid offences.

3. The learned counsel appearing for the petitioner submitted that the allegations against the petitioner are false; that the petitioner was a licensed medical shop owner and possession of cough syrup is natural; and that in any case, the total quantity of contraband seized from him is only an intermediate quantity. Further, the learned counsel appearing for the petitioner has relied upon a judgement in ***Rajeshbhai Gokarbhai Dabhi vs. State of Gujarat dated 09.02.2024 passed in Criminal Misc. Application No.1767 of 2024.***

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, reiterated the prosecution case and on instructions, confirmed the fact that



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the petitioner is running a medical shop and he has license to sell the medicines and he is found in possession of 78 bottles of Cough Codine Phosphate & Tri Prolidine Hydro Chloride Syrup choco and each bottle contained 100 ml. The learned Government Advocate fairly submitted that in the counter filed by the respondent police, it is stated that the petitioner was in possession of commercial quantity and the total quantity, if calculated in the aforesaid manner, shows that it is intermediate quantity and that the petitioner has no bad antecedents.

5. Considering the aforesaid facts, the fact that intermediate quantity of contraband was seized from this petitioner, the fact that the petitioner was running a medical shop, the period of incarceration, and the petitioner has no bad antecedents, this Court is of the view that further custody of the petitioner is not required for the purpose of investigation. Hence, this Court is inclined to grant bail to the petitioner with certain conditions.

6. 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 **XIV Metropolitan Magistrate Court, Egmore, Chennai** and on further conditions that:



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[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 appear before the respondent Police Station 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.

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To

1. The XIV Metropolitan Magistrate Court, Egmore, Chennai.
2. The Inspector of Police, F4 Thousand Lights Police Station, Chennai.
3. The Superintendent of Police, Central Prison, Puzhal, Chennai.
4. The Public Prosecutor, High Court of Madras.



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SUNDER MOHAN., J.

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