



Crl.O.P.No.6324 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2025

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THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.6324 of 2025

Viji @ Vijayakumar

... Petitioner

Vs.

The State rep. By
Inspector of Police,
M-3, Puzhal Police Station,
Thiruvallur District.
(Crime No.1028 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No.1028 of 2024 on the file of the respondent Police.

For Petitioner : Mr.D.Magesh

For Respondent : Mr.R.Vinothraja
Government Advocate (Criminal Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.12.2024 for the offences punishable under Sections 8(c), 20(b)(ii)(c) of NDPS Act in Crime No.1028 of 2024, on the file of the respondent, seeks bail.



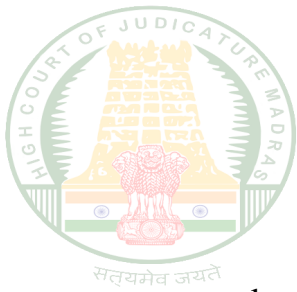
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2. The case of the prosecution is that, on 15.12.2024, based on a special report obtained, the respondent police conducted a search operation near Puzhal Lake, 19th Street, Thirumalainagar, Kavangarai. During the search, the petitioner attempted to escape from the location but was apprehended. Upon conducting a personal search, the police found the petitioner in possession of 20.200 kilograms of Ganja, which was seized at the spot. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in the present case. It is contended that the alleged contraband recovery has been artificially inflated. According to the learned counsel the actual seized quantity is only 20 kilograms, which falls under the intermediate quantity category. However, the prosecution has deliberately shown an additional 200 grams, totalling 20.200 kilograms, with an intention to bring it within the scope of "commercial quantity" under the NDPS Act. It is further submitted that, as per the contents of the FIR itself, the recorded quantity is 20 kilograms, which is not a commercial quantity. Hence he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the



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respondent police opposed the bail and submitted that the petitioner was caught red-handed in possession of 20.200 kilograms of Ganja, which qualifies as commercial quantity under the NDPS Act. The seizure was made in the presence of official witnesses and duly recorded. The investigation is at a crucial stage and releasing the petitioner on bail at this stage may hamper the investigation. Therefore, the petition may be dismissed.

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

6. Considering the submissions made by the learned counsel appearing on either sides and also quantity of contraband involved in this case and taking note of the period of incarceration undergone by the petitioner, 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 **District Munsif Cum Judicial Magistrate, Madavaram** and on further conditions that:

[a] the sureties shall affix their photographs and Left



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

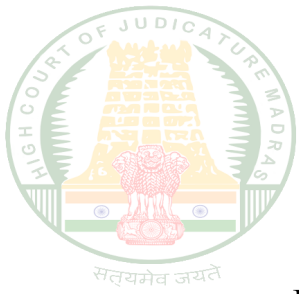
[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation, except on the days when he is required to appear before the Trial Court in connection with any other cases.

[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 petitioners 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



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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.

21.07.2025

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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 District Munsif Cum Judicial Magistrate.
2. The Inspector of Police,
M-3, Puzhal Police Station,
Thiruvallur District.
3. The Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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