



Crl. O.P. No.6854 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.6854 of 2025

1. Syed Abdul Rahman @ Mustahak
2. Chendrasekaran @ Madhan

... Petitioners/Accused-1 & 2

Vs.

The State represented by-

The Inspector of Police,
E2 Thirukazhukundram Police Station.
Chengalpattu.
(Crime No.27 of 2025).

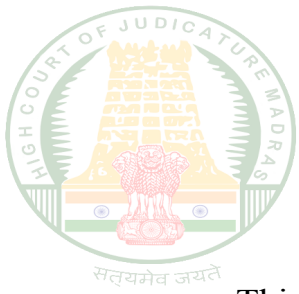
... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.27 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr. R. Mukesh Kannah

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

ORDER



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This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 21.01.2025, seeking bail in Crime No.27 of 2025 registered for the offences under Sections 8(c) and 20(b)(ii)(B) of NDPS Act.

2. The case of the prosecution is that based on secret information, the respondent police found the accused with illegal possession of 1.300 kgs of Ganja and that the contraband was seized.

3. The learned counsel appearing for the petitioners submitted that the allegations against the petitioners are false; that contraband has been seized; and that in any case, further custody of the petitioners is not required and prayed that the petitioner may be released on bail.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, reiterated the prosecution case and on instructions, submitted that contraband, involved in this case is intermediate quantity and the same has been seized; and that six previous cases registered, out of which, 5 cases are registered under IPC and one case registered under NDPS Act against the 1st petitioner and



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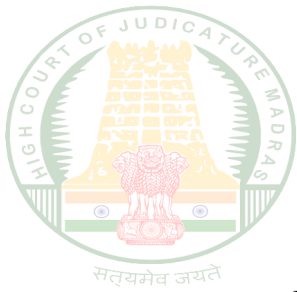
the 2nd petitioner has one previous case registered under NDPS Act, in which, they are on bail.

5. Considering the aforesaid facts, nature of allegations, period of incarceration, the fact that the petitioners are on bail in other cases registered under IPC and NDPS Act, the quantity of contraband involved in this case is an intermediate quantity and the same has been seized, 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 petitioners are ordered to be released on bail on their executing a separate 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, Thirukazhukundram.**

[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 petitioners shall report before the respondent



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Police, daily at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]***;

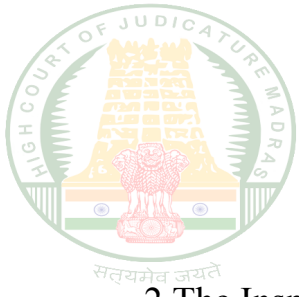
[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

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To

1. The Judicial Magistrate, Thirukazhukundram.



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2. The Inspector of Police, E2 Thirukazhukundram Police Station. Chengalpattu.
3. The Superintendent of Police, Central Prison-II, Puzhal, Chennai.
4. The Public Prosecutor, High Court of Madras.



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SUNDER MOHAN., J.

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