



Crl.O.P.No.6982 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.6982 of 2025

1.Siva

2. Sudha

... Petitioners/A1 & A2

Vs.

The State represented by,
The Inspector of Police,
P6-Kodungiyur Police Station, Chennai.
(Crime No.77 of 2025).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioners on bail, in connection with the Crime No.77 of 2025, pending investigation on the file of the respondent Police.

For Petitioners : Mr.B.Dinesh Kumar

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

ORDER

This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 12.02.2025, seeking bail in Crime No.77 of 2025 registered for the offence under Sections 8(c) read with Section 20(b)(ii)(B), 25,29(1) of NDPS Act.



Crl.O.P.No.6982 of 2025

WEB COPY

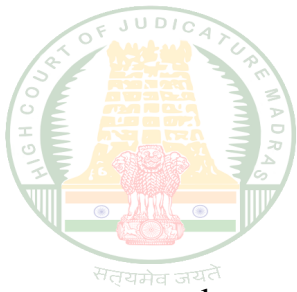
2. The case of the prosecution is that the petitioners along with other accused were found in possession of 1.5 kgs of ganja. Hence, the case.

3. Learned counsel appearing for the petitioners submitted that the contraband has been seized and in any case, petitioners are in custody from 12.02.2025 and hence the petitioners may be released on bail.

4. Learned Government Advocate (Crl.Side) reiterated the prosecution case and submitted that the contraband seized from the petitioners is of intermediate quantity; that 1st petitioner has nine previous cases and the 2nd petitioner has 8 previous cases and in those cases, petitioners are on bail.

5. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Considering, the fact that contraband seized from the petitioners is not a commercial quantity and that the rigors of Section 37 of NDPS Act would



Crl.O.P.No.6982 of 2025

not be applicable against the petitioners ; th period of incarceration; the fact that the petitioners are on bail in other cases; and since further custody is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their 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 learned **X Metropolitan Magistrate, Egmore, Chennai.**

[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 Police, everyday 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;



Crl.O.P.No.6982 of 2025

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[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.

12.03.2025

Sma
To

1. X Metropolitan Magistrate Court at Egmore, Chennai.
2. The Inspector of Police,
P6-Kodungiyur Police Station, Chennai.
3. The Superintendent,
Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.6982 of 2025

SUNDER MOHAN., J.

Sma

Crl.O.P.No.6982 of 2025

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