



Crl.O.P.No.7159 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.7159 of 2025

1. Hari Prasath

2. Dinesh Manikandan

... Petitioners/A1 & A2

Vs.

The State represented by,
The Inspector of Police,
Sundarapuram Police Station,
Coimbatore District.
(Crime No.99 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.99 of 2025, pending investigation on the file of the respondent Police.

For Petitioners : Mr.V.Saranraj

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 01.03.2025, seeking bail in Crime No.99 of 2025 registered for the offence under Sections 8(C), 20(b)(ii)(A), 25 of NDPS Act read with Section 123 of BNS, 2023 [Section 328 of IPC].



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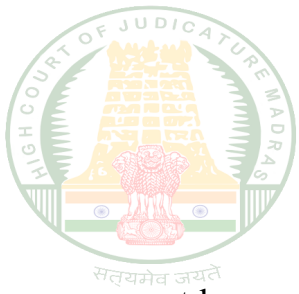
2. The case of the prosecution is that the petitioners were found to be in illegal possession of 260 grams of ganja. Hence, the case.

3. Learned counsel appearing for the petitioners submitted that the contraband has been seized and in any case, petitioners are in custody from 01.03.2025 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 an intermediate quantity; that 1st petitioner has one previous case and the 2nd petitioner has three 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



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not be applicable; the period of incarceration; the fact that the petitioner is 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 **District Munsif Cum Judicial Magistrate, Madukkarai, Coimbatore.**

[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;



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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. District Munsif Cum Judicial Magistrate, Madukkarai, Coimbatore.
2. The Inspector of Police,
Sundarapuram Police Station,
Coimbatore District.
3. The Superintendent,
Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

Sma

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