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Crl.O.P.No.8044 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.8044 of 2025

Madavan

...Petitioner/5th accused

Vs.

The State rep. by
Inspector of Police,
Singanallur Police Station,
Coimbatore District.
(Cr. No.609 of 2024)

... Respondent

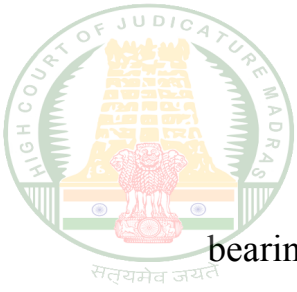
PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.609 of 2024 pending on the file of the respondent police.

For Petitioner : Mr.M.Vijaya Ragavan

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 24.12.2024, seeking bail in Crime No.609 of 2024 registered for the offence under Sections 8(c) r/w 20(b)(ii)(C), 25 & 29(1) of NDPS Act, 1985.



2.The case of the prosecution is that on secret information, the vehicle bearing No.TN 66 AP 8798 XUV 300 was intercepted and in which, A1 and A2 were sitting and further when the respondent questioned them, they produced two white sacks containing 22 kilograms of Ganja which was concealed in the car and the petitioner arrayed as A5 was standing near the car alongwith A3, A4 & A6. Hence the case.

3.Learned counsel appearing for the petitioner submitted that the allegations are false and that in any case, considering the averments in the FIR, the contraband was seized only from A1 and A2 and no recovery was made from the petitioner and the fact that the petitioner was not found in the car, hence it would not be construed as possession, the rigor of Section 37 would not be applicable to the petitioner; that similarly placed co-accused were already granted bail by this Court vide order passed in Crl.O.P. No.3433 of 2025 dated 27.02.2025 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 confirmed that A1 and



A2 were sitting in the car and the seizure was made from A1 and A2 and other accused were standing besides the car and also submitted that the co-accused were released on bail and the petitioner has no bad antecedents.

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

6. Though the contraband seized from A1 and A2 is commercial quantity, the petitioner was not found travelling in the car and is sought to be implicated on the confession of co-accused. Hence, this Court is of the view that the petitioner has satisfied the twin conditions under Section 37 of the NDPS Act and the fact that the petitioner has no bad antecedents and the similarly placed co-accused was released on bail vide order passed in Crl.O.P. No.3433 of 2025 dated 27.02.2025. Considering the period of incarceration and the aforesaid facts and since further custody of the petitioner is not required for the purpose of investigation, 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.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **Additional District Judge/Presiding Officer, Special Court for EC Act Cases, Coimbatore (FAC)** and on further conditions that:

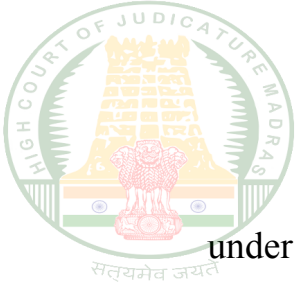
[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent Police, everyday 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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Copy to:

- 1.The Inspector of Police,
Singanallur Police Station,
Coimbatore District.
- 2.Central Prison, Coimbatore.
- 3.The Additional District Judge/Presiding Officer,
Special Court for EC Act Cases, Coimbatore (FAC).
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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