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Cr1.O.P.No.7830 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Cr1.O.P.No.7830 of 2025

Lawrance

... Petitioner/A9

Vs.

State Rep. by
The Inspector of Police
M-1, Madhavaram Police Station
Chennai
(Crime No.1176 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail in Crime No.1176 of 2024 on the file of the Respondent.

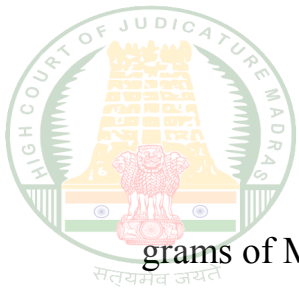
For Petitioner : Ms.P.Uma

For Respondent : Ms.J.R.Archana
Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed by the petitioner/A9, who was arrested and remanded to judicial custody on 31.12.2024, seeking bail in Crime No.1176 of 2024 registered for the offence under Section 8(c) r/w.22(c), 25, 29(1) of the NDPS Act.

2.The case of the prosecution is that on secret information, the petitioner, along with another accused, was found in illegal possession of 65



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grams of Methamphetamine, which is a commercial quantity; that initially A1 was arrested and based on his confession, the petitioner was arrested on 27.12.2024 and contraband was seized. The further case of the prosecution is that the petitioner was arrested along with one Shahul Hameed. On the said date, both were found in possession of 65 grams of Metehamphetamine.

3.Learned counsel appearing for the petitioner submitted that the arrest and seizure are false, that this Court had granted bail to the said Shahul Hameed on the ground that the son of the said Shahul Hameed had sent a representation to the Hon'ble Chief Justice and State Human Rights Commission stating that Shahul Hameed was arrested on 27.12.2024 and representation was sent before the alleged date and time of arrest and hence satisfied the twin conditions of Section 37 of NDPS Act. The learned counsel further submitted that the arrest and recovery from the petitioner is also false and the petitioner has no bad antecedents and hence, he may be released on bail.

4.Learned Government Advocate (Cr1.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case. He submitted that the petitioner has no bad antecedents, and the petitioner has not satisfied the twin conditions of the Section 37 of NDPS Act.

5.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Cr1. Side) for the respondent Police and perused the



materials available on record.

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6.This Court while granting bail to the said Shahul Hameed observed as follows:

“5.A perusal of the typed set filed by the learned Senior counsel appearing for the petitioner would show that the petitioner's son has sent a representation dated 30.12.2024 at 2.30 p.m. by speed post complaining about the arrest on 27.12.2024 and the illegal detention of the petitioner. The fact that the representation was sent, is not in dispute. The petitioner has no previous antecedents. Hence, taking into consideration of the above facts, this Court is of the view that the version of the petitioner that he was not arrested in the manner alleged by the prosecution is probable. Consequently, the recovery from the petitioner is doubtful. It is made clear that the above observation is made only for the purpose of this application. It is for the prosecution to prove their case in the manner known to law.

6. Considering the aforesaid facts, this Court is of the view that the petitioner has satisfied the twin conditions under Section 37 of NDPS Act. Hence, taking into consideration the aforesaid facts, nature of allegations, period of incarceration 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.”

According to the prosecution the petitioner and the said Shahul Hameed were



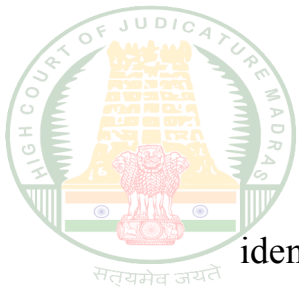
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arrested at the same time. Since this Court prima facie found that the arrest was not at the time and place mentioned by the prosecution and consequently the recovery of contraband from Shahul Hameed was doubtful, the same benefit has to enure to the petitioner as well. However, the observations are only for the purpose of deciding this bail application.

7.Considering the aforesaid facts, this Court is of the view that the petitioner has satisfied the twin conditions under Section 37 of NDPS Act. Hence, taking into consideration the aforesaid facts, nature of allegations, period of incarceration 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

8.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**, (out of which one surety shall be the petitioner's father and the other should be a local surety) each for a like sum to the satisfaction of the learned Principal Special Judge for NDPS Cases at Chennai, 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



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identity;

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[b] the petitioner shall appear before the trial Court concerned, every day 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 of B.N.S.

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SUNDER MOHAN, J.

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To

1.The II Additional Special Court for exclusive trial
of Cases under NDPS Act, Chennai,

2.The Inspector of Police
M-1, Madhavaram Police Station
Chennai

3.The Superintendent,
Central Prison,
Puzhal.

4.The Public Prosecutor,
High Court of Madras.

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