



WEB COPY



Cr1.O.P.No.8302 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Cr1.O.P.No.8302 of 2025

Nowleshkumar

... Petitioner

Vs.

The State Rep. by,
The Inspector of Police
Veppadai Police Station
Namakkal District (Crime No.05 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail in Crime No.05 of 2024 on the file of the respondent.

For Petitioner : Mr.C.Deepakkumar

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 11.01.2025, seeking bail in Crime No.05 of 2024 registered for the offence under Section 8(c) r/w.20(b)(ii)(B) and Section 37 of NDPS Act.

2.The case of the prosecution is that the petitioner was found to be in possession of 4,500 grams of ganja.

3.Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case.



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He also submitted that the petitioner is in custody from 11.01.2025 and he is ready to abide by any stringent condition that may be imposed by this Court, that there is no recovery from this petitioner. He also submitted that the father of the petitioner would stand as surety and also provide a local surety. Hence, he prayed for grant of bail to the petitioner.

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 also submitted that the petitioner has no bad antecedents, however, the petitioner is a resident of Bihar and does not have permanent residence in Tamil Nadu and if he released on bail, he would not be available for trial.

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.

6.Considering the aforesaid facts, nature of allegations, period of incarceration, and since further custody is not required for the purpose of interrogation, 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



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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

Judicial Magistrate, Komarapalayam, 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 appear before the trial Court on all working days 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.

24.03.2025

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SUNDER MOHAN, J.
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To

1.The Judicial Magistrate,
Komarapalayam

2.The Inspector of Police
Veppadai Police Station
Namakkal District

3.The Superintendent,
Central Prison, Salem.

4.The Public Prosecutor,
High Court of Madras.

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