



Crl.O.P.No.8908 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 26.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.8908 of 2025

1. Surajkumar
2. Mukeshdigal
3. Arundigal

... Petitioners/ Accused Nos. 1 to 3

Vs.

The State Rep. By,
The Inspector of Police,
PEW- Erode Police Station,
Erode District. (Crime No.35 of 2025) ... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioners on bail, in connection with Crime No.35 of 2025, pending investigation on the file of the respondent.

For Petitioner : Mr. M. Mariappan

For Respondent : M/s. J. R. Archana
Government Advocate (Crl. Side)



WEB COPY



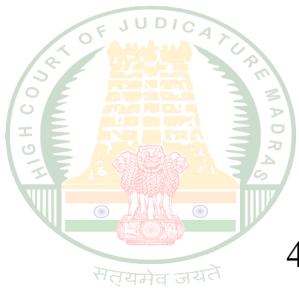
CrI.O.P.No.8908 of 2025

ORDER

Petition seeking bail in respect of Crime No.35 of 2025 registered for the alleged offences punishable under Sections 8(c) r/w 20(b)(ii)(C) and 29(1) of NDPS Act, 1985, is on board for consideration.

2. The case of the prosecution is that based on a secret information, the respondent police went to the spot and found that the first and second petitioners/ A1 and A2 were in joint possession of 17 kilograms of ganja; that based on confession of A1, 16 kilograms of ganja were seized from the third petitioner/ A3. Hence, this case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case; that the petitioners have been arrested and remanded to judicial custody on 09.02.2025. The learned counsel for the petitioners further submitted that there was no conspiracy or joint possession; that the alleged possession is intermediate quantity and prayed for bail to the petitioners.



WEB COPY

4. The learned Government Advocate (Crl. Side) appearing for the respondent reiterated the prosecution case and on instruction submitted that the petitioners are arrayed as A1 to A3 in this case; that the petitioners have no bad antecedents; that 5 kilograms of ganja was seized from A1, 12 kilograms of ganja was seized from A2; that based upon confession of A1, 16 kilograms of ganja was seized from A3; and that the investigation is pending.

5. Taking into consideration the facts and circumstances of the case, considering the nature of allegation against the petitioners, the submissions made by the learned counsels on either side, the fact that the petitioners have no bad antecedents, the contraband seized from each of the petitioner is of intermediate quantity, the period of incarceration undergone by the petitioners and since further custody of the petitioners is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioners with certain conditions.

6. 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 (one surety shall be a blood relative and other shall**



be a local surety), each for a like sum to the satisfaction of the learned

WEB COPY

Judicial Magistrate, Perundurai 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 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;

[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];



CrI.O.P.No.8908 of 2025

[f] If the accused thereafter abscond, a fresh FIR can

WEB COPY be registered under Section 269 of B.N.S.

26.03.2025

stn

To

1. The Judicial Magistrate,
Perundurai.
2. The Inspector of Police,
PEW- Erode Police Station,
Erode District. (Crime No.35 of 2025)
3. The Superintendent,
Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.8908 of 2025

SUNDER MOHAN, J.

stn

Crl.O.P.No.8908 of 2025

26.03.2025