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Crl. O.P. No.9820 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.9820 of 2025

1.Hiran
2.Nabil
3.Abdul Nasar
4.shajahan

... Petitioner/Accused-1, 2, 4 & 5

Vs.

The State represented by-

Rep. By The Inspector of Police,
Madukkarai Police Station,
Coimbatore District.
(Crime No.70 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.70 of 2025 pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.Thirugnanam

For Respondent : Ms.J.R.Archana
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.70 of 2025 registered for the offences under Sections 8(c) r/w 20(b)(ii)(B), 22(b), 25 & 29(1) of the NDPS Act, 1985.



2. The case of the prosecution is that the petitioners/Accused-1, 2, 4 & 5 along with other accused was found in joint possession of 8.750 kilograms of ganja and 10 grams of Methamphetamine. Hence, the case.

3. Learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case; that the contraband was seized and that the petitioners are in custody from 01.03.2025 and hence, they may be released on bail.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police while opposing the grant of bail to the petitioners, reiterated the prosecution case and on instructions submitted that the contraband has been seized from the petitioners. She further submitted that the first petitioner has been detained under Tamil Nadu Act 14 of 1982 and the petitioners 2 to 4 have no bad antecedents.

5. Since the first petitioner has been detained under Tamil Nadu Act 14 of 1982, this bail petition is dismissed as against the first petitioner. As far as the petitioners 2 to 4 are concerned, considering the period of incarceration and the fact that the petitioners 2 to 4 have no bad antecedents and the contraband totally seized is an intermediate quantity and since further custody is not required for the



purpose of interrogation, this Court is inclined to grant bail to the petitioners 2 to 4 with certain conditions.

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6. Accordingly, the petitioners 2 to 4 are ordered to be released on bail on their executing a separate 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 **Special Judge, Exclusive Trial of EC & NDPS Act Cases** at **Coimbatore**.

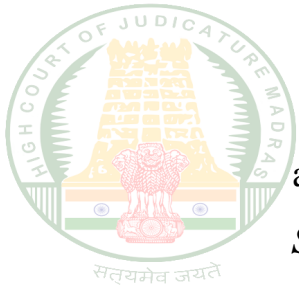
[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners 2 to 4 shall report before the respondent Police, everyday Morning at 10.30 a.m., until further orders;

[c] the petitioners 2 to 4 shall not abscond either during investigation or trial;

[d] the petitioners 2 to 4 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 2 to 4 in accordance with law as if the conditions have been imposed and the petitioners 2 to 4 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]***;

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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

02.04.2025

rkp

To

- 1.The Special Judge,
Exclusive Trial of EC & NDPS Act cases,
Coimbatore.
- 2.The Inspector of Police,
Madukkarai 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.
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