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Crl.O.P.No.10145 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.10145 of 2025

Vishnu Prasad

... Petitioner/ Accused No.4

Vs.

The State Rep. By,
The Inspector of Police,
PEW City Police Station,
Coimbatore.
(Crime No.48 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on bail, in connection with Crime No.48 of 2025, pending investigation on the file of the respondent.

For Petitioner : Mr. R. Harikrishnan

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



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ORDER

Petition seeking bail in respect of Crime No.48 of 2025 registered for the alleged offences punishable under Sections 8(c) r/w. 20(b)(ii)(B), 25 and 29(1) of NDPS Act, 1985, is on board for consideration.

2. The case of the prosecution is that while the respondent police were on their routine vehicle inspection duty, they found that the accused persons/ A1 and A2 were in illegal possession of 4.450 kilograms and 1.120 kilograms of ganja, respectively in their vehicle; that upon investigation, A1 confessed that he had procured ganja from Assam and distributed the same to the petitioner and other accused. It is the further case of the prosecution that 1.028 kilograms of ganja was seized from the petitioner herein; and that the total quantity of contraband involved in this case is 9.172 kilograms.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent, he has been falsely implicated in this case based on the confession of the co-accused and he has not committed any offence as alleged by the prosecution; that the petitioner has been arrested and remanded to judicial custody on 01.03.2025; and that the petitioner is ready to abide by



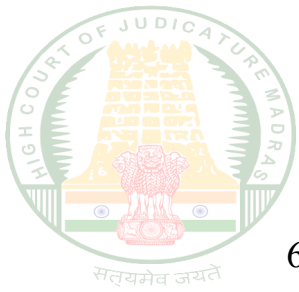
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any stringent conditions that may be imposed by this Court and ready to co-operate for the investigation and prayed for bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent reiterated the prosecution case and on instruction submitted that there are totally four accused in this case and the petitioner is arrayed as A4; that the total contraband involved in this case is 9.172 kilograms of ganja, out of which 1.028 kilograms of ganja was seized from the petitioner; that the petitioner has no bad antecedents; and that the investigation is pending, hence opposed the bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case, considering the nature of allegation against the petitioner, the submissions made by the learned counsels on either side, the fact that the petitioner has no bad antecedents, the contraband seized is of intermediate quantity, the period of incarceration undergone by the petitioner 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.



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6. 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 **learned Additional District Judge/ Presiding Officer, Special Court for EC Act Cases, Coimbatore** and on further conditions that:

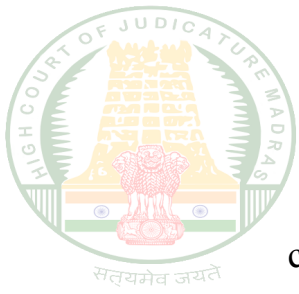
[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[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



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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.

04.04.2025

stn

To

1. The Additional District Judge/ Presiding Officer,
Special Court for EC Act Cases, Coimbatore.
2. The Inspector of Police,
PEW City Police Station,
Coimbatore.
(Crime No.48 of 2025)
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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