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Crl.OP.No.10367 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.10367 of 2025

Saravanan ... Petitioner(s) /Accused 3

Vs.

State represented by
The Inspector of Police,
H-5, New Washermenpet Police Station,
Chennai. ... Respondent(s)/ Complainant
Crime No.1379/ 2024

Prayer: Criminal Original Petition filed under Section 483 of BNSS 2023,
to enlarge the petitioner on bail pending investigation in Crime No.1379 of
2024 on the file of the respondent.

For petitioner(s) : Mr.B.J.Santhosh Kumar

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who
was arrested and remanded to judicial custody on 15.11.2024, seeking bail



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in Crime No.1379 of 2024, registered for the offences under Sections 8(c)

r/w Section 20(b)(ii)(B) of NDPS Act and u/s 25(1A) of the Arms Act @ u/s

8(c) r/w Section 20(b)(ii)(C) of NDPS Act, 1985 and 25(1A) of the Arms Act.

2. It is the case of the prosecution that the petitioner/A3 was found in illegal possession of 2 kgs of Ganja, and initially, a case was registered under Section 20(b)(ii)(B) of the NDPS Act. Based on the confession of A4, a further quantity of 15 kgs of ganja was seized from the house of A1.

3. The learned counsel for the petitioner would submit that the petitioner has nothing to do with the illegal possession of Ganja and, in any case, he was in possession of 2 kgs, which is an intermediate quantity; that the petitioner has no bad antecedents; and that he cannot be said to be in joint possession along with the other accused and sought for bail.

4. The learned counsel for the petitioner would further submit that the co-accused has already been granted bail by this Court vide order dated



24.02.2025 in Crl.O.P.No.790 of 2025.

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5. Learned Government Advocate (Crl.Side) appearing for the respondent police, while reiterating the prosecution case, on instructions, submitted that the petitioner was initially found in possession of 2 kgs of ganja along with the other accused, and subsequently, 15 kgs of ganja was seized from the house of A1.

6. Admittedly, the first accused was granted bail by this court on 24.02.2025 by making the following observations:-

“6. Admittedly, the petitioner and the other accused were in joint possession of 6 kgs of Ganja, 2 kgs each at the time of seizure; and that on the petitioner's confession, 15 kgs was seized from his residence. Considering the fact that the contraband seized from the residence cannot be said to be in joint possession of A2 and A3, this Court is of the view that contraband seized from A2 and A3 cannot be added to make it commercial quantity. Hence, rigors of Section 37 of the NDPS Act would not be applicable. Since the petitioner was found in possession of 17 kgs which is an intermediate quantity and the period of incarceration, this Court is of the view that



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further custody is not required for the purpose of investigation and inclined to grant bail to the petitioner with conditions.”

7. Considering the nature of allegations, period of incarceration, the fact that the contraband seized was an intermediate quantity, 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**, each for a like sum to the satisfaction of the **learned XVI Metropolitan Magistrate, George Town, 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 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;



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[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 B.N.S.

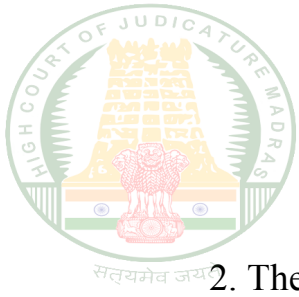
07.04.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
skr

To

1. The Inspector of Police, H-5, New Washermenpet Police Station,
Chennai.

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2. The Public Prosecutor, Madras High Court, Chennai.
3. The Superintendent of Prison, Central Prison, Puzhal.
4. learned XVI Metropolitan Magistrate, George Town, Chennai.



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SUNDER MOHAN, J.

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