



WEB COPY

Crl. O.P. No.11109 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.11109 of 2025

Mokkaiya Viruman

... Petitioner/Accused

Vs.

The State represented by-

Rep. By The Inspector of Police,
PEW Poonamallee Police Station.
(Crime No.19 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.19 of 2025 pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.Hemanth

For Respondent : Ms.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 07.02.2025 seeking bail in Crime No.19 of 2025 registered for the offences under Sections 8(c), 20(b)(ii)(B) of the NDPS Act, 1985.



2. The case of the prosecution is that the petitioner was found in illegal possession of 14 kgs of ganja. Hence, the case.

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3. Learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case; that the contraband has been seized and that the petitioner is in custody from 07.02.2025 and hence, he may be released on bail.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police while opposing the grant of bail to the petitioner, reiterated the prosecution case and on instructions submitted that the contraband has been seized and that the petitioner has four previous cases of similar in nature.

5. Considering the period of incarceration, the fact that though the petitioner has four previous cases, he is on bail in those cases and the contraband has been seized and since further custody is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioner with certain conditions.

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 **Judicial**



Magistrate, Poonamallee.

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[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 Morning 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 B.N.S.

16.04.2025

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SUNDER MOHAN., J.



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To

- 1.The Judicial Magistrate, Poonamallee.
- 2.The Inspector of Police,
PEW Poonamallee P.S.
3. The Superintendent, Central Prison-II, Puzhal.
4. The Public Prosecutor, High Court of Madras.

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