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Crl. O.P. No.11107 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.11107 of 2025

Hariharan @ Gowtham

... Petitioner/Accused 2

Vs.

The State represented by-

The Inspector of Police,
Race Course Police Station,
Coimbatore.
Cr. No.600 of 2024.

... Respondent

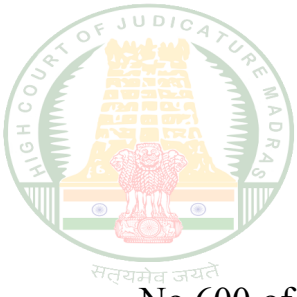
PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.600 of 2024 pending investigation on the file of the respondent Police.

For Petitioner : Mr.D.Padmanabhan

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 20.12.2024, seeking bail in Crime

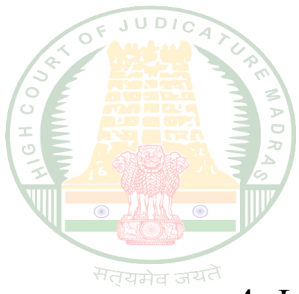


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No.600 of 2024 registered for the offence under Sections 8(c) r/w 20(b)(ii)(C) of NDPS Act, 1985.

2. The case of the prosecution is that based on the secret information, the petitioner was arrested and from his possession, 750 grams of ganja was seized; that on his confession, the other accused viz., A3, A4 & A6 were found in illegal possession of 20.200 kgs, 215 grams and 240 grams of ganja respectively and thus the petitioner was in joint possession of commercial quantity of ganja. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the allegations against the petitioner are false and he has been falsely implicated in this case; that the petitioner had no knowledge about the ganja with other accused and cannot be attributed with joint possession of commercial quantity of ganja; that there are no previous cases under NDPS Act; that from him intermediate quantity of ganja was seized and since there is no material apart from the confession to establish his connection with the other accused for possession of commercial quantity, hence he prayed for grant of bail.



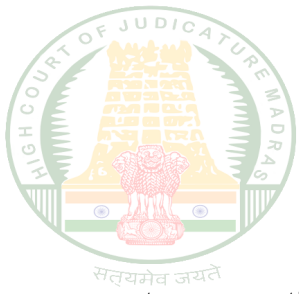
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4. Learned Government Advocate (Crl.Side) appearing for the respondent police, reiterated the prosecution case and confirmed the fact that on the confession of the petitioner, the other accused were arrested and from the third accused 20.200 kgs of ganja was seized and further submitted that the petitioner has no bad antecedents.

5. Admittedly, the petitioner was found in possession of 750 grams of ganja, which is an intermediate quantity. The petitioner has bad antecedents. The other accused were arrested on the confession of the petitioner. A3 is said to have been in possession of commercial quantity of ganja. Apart from the confession of the petitioner there is no evidence to establish the connection between the petitioner and the other accused. Hence, this Court is of the view that the petitioner cannot be attributed with joint possession of commercial quantity and thus the rigors of Section 37 of the NDPS Act would not be applicable. Therefore, 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



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two sureties, each for a like sum to the satisfaction of the learned **Additional District Judge, Special Court for Essential Commodities Act (EC Judge) of 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 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 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.

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To

- 1.The Additional District Judge,
Special Court for Essential Commodities Act
(EC Judge) of Coimbatore.
- 2.The Inspector of Police,
Race Course Police Station,
Coimbatore
3. The Superintendent, District Prison, Tiruppur.
4. The Public Prosecutor, High Court of Madras.



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SUNDER MOHAN., J.

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