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Crl. O.P. No.12716 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.12716 of 2025

Mohamed Riyas Chakkalakkal

... Petitioner/Accused

Vs.

The State represented by-

The Superintendent of Customs,
Airport, Chennai.
(R.R. No.8 of 2025).

... Respondent

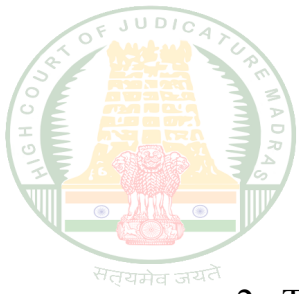
PRAYER: Criminal Original Petition filed under Section 483(1) of BNSS, pleaded to enlarge the petitioner on bail, in connection with the R.R. No.8 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr. N.M. Velan

For Respondent : Mr. P. Vishnu,
Special Public Prosecutor.

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 05.02.2025, seeking bail in R.R. No.8 of 2025 registered for the offence under Sections 8(c) read with 23 and 28 of NDPS Act @ Section 20(b)(ii)(B) of NDPS Act.



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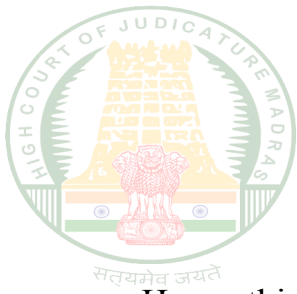
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2. The case of the prosecution is that based on secret information, the petitioner was found in possession of 6.964 kgs of Ganja, while he came from Thailand to Chennai

3. The learned counsel appearing for the petitioner submitted that the allegations against the petitioner are false; that contraband has been seized; that he is not involved in any other case; and that in any case, further custody of the petitioner is not required and prayed that the petitioner may be released on bail.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, reiterated the prosecution case and on instructions, submitted that contraband, involved in this case is intermediate quantity and the same has been seized; that the petitioner is a native of Kerala and that the petitioner has no bad antecedents.

5. Considering the aforesaid facts, nature of allegations, period of incarceration, the fact that the petitioner has no bad antecedents, and the seized contraband in this case is an intermediate quantity, this Court is of the view that further custody of the petitioner is not required for the purpose of investigation.



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Hence 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, out of which, one surety must be a blood relative and another surety must a local surety**, each for a like sum to the satisfaction of the learned **Principal Sessions Judge under EC & NDPS Act, Chennai-104.**

[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, daily 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 B.N.S.

28.04.2025

mjs

To

1. The Principal Sessions Judge under EC & NDPS Act, Chennai-104.
2. The Superintendent of Customs, Airport, Chennai.
3. The Superintendent of Police, Central Prison, Puzhal, Chennai.
4. The Public Prosecutor, High Court of Madras.



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SUNDER MOHAN., J.

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