



WEB COPY



CrI.O.P.No.14315 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.05.2025

CORAM

THE HON'BLE MRS. JUSTICE **L.VICTORIA GOWRI**

CrI.O.P.No.14315 of 2025

Mohamadu Payaz Basha

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
E5, Foreshore Estate Police Station,
Chennai.

(Crime No.108 of 2025).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No.108 of 2025 on the file
of the respondent Police.

For Petitioner : Mr.M.Hussaini Basha

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



WEB COPY



CrI.O.P.No.14315 of 2025

ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.03.2025, for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) and 25 of NDPS Act, in Crime No.108 of 2025, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 1.150 kgs of ganja. Hence the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner was arrested and is in judicial custody from 27.03.2025. He would submit that the contraband has been seized. He would further submit that the petitioner, without prejudice to the defence and contention, is ready and willing to deposit a sum of Rs.10,000/-, to any welfare scheme of the Government or any other organization. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court.



Crl.O.P.No.14315 of 2025

WEB COPY

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that the contraband has been seized and that there are three previous cases pending against the petitioner and he is on bail in those cases.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as non-refundable deposit, to the credit of **Manolaya, Home for Mentally Ill Destitute, Bank Name: Indian Overseas Bank, Branch: Kottaram, IFSC Code: IOBA0000253, Account Name: Manolaya, Account No.025302000000284, UPI ID: 6379484925@okbizicici, Gpay:9443307196**, without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.



CrI.O.P.No.14315 of 2025

WEB COPY

7. Further, considering the nature of allegations, the period of incarceration undergone by the petitioner, the fact that the contraband was seized, the petitioner is on bail in the previous cases 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, subject to certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, each for a like sum to the satisfaction of the **XXIII Metropolitan Magistrate, Saidapet, Chennai**, and on further conditions that:

[a] the petitioner shall report before the respondent police, everyday at 10.30 a.m., for a period of three months and thereafter as and when required for investigation;

[b] the petitioner shall not commit any offences of similar nature.

[c] the petitioner shall not abscond either during investigation or trial.



WEB COPY



Crl.O.P.No.14315 of 2025

[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 Judicial 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 of B.N.S.

08.05.2025

ata/ep

Note :

1.Registry is directed to forthwith upload this order in the official website of this Court.

2.All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.



WEB COPY



Crl.O.P.No.14315 of 2025

L.VICTORIA GOWRI, J.
ata/ep

TO

- 1.The XXIII Metropolitan Magistrate, Saidapet, Chennai.
- 2.The Inspector of Police,
E5, Foreshore Estate Police Station,
Chennai.
- 3.The Superintendent of Prison,
Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.14315 of 2025

08.05.2025