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Crl.O.P.No.15895 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 29.07.2025
PRONOUNCED ON : 05.08.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.15895 of 2025

Joshua Devapriyan

... Petitioner/A4

Vs.

The State Represented by,
The Inspector of Police,
Race Course Police Station,
Coimbatore City,
In Cirme Number. 600/2024,
Coimbatore District.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioner on bail in
Cr.No.600 of 2024 on the file of Race Course Police Station, Coimbatore
District.

For Petitioner : Mr.B.Mohan

For Respondent : Mr.R.Vinothraja,
Government Advocate (Crl. Side)



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ORDER

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2.Learned counsel for the petitioner/A4 submitted that admittedly, the petitioner was not present in the scene of occurrence when A1 & A2 intercepted and 750 grams of ganja seized. On their confession, when A3 arrested and 20 kgs of ganja seized, at that time also the petitioner was not present in the scene of occurrence. In fact the petitioner arrayed as accused merely on the confession of co-accused without any materials and the petitioner has got no bad antecedents. In this case, since 20 kgs of ganja had shown to be recovered from A3 including seizures of small quantity from other accused, all clubbed together and projected as though all the accused had committed the offence of smuggling of ganja of commercial quantity. He further submits that since charge sheet filed before the trial Court, custodial interrogation of the petitioner is not required, hence prayed for bail.



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3.The learned Government Advocate (Crl. Side) appearing for the respondent Police filed counter and submitted that on 19.12.2024 at 12.30 hours, when the Sub Inspector of Police attached to respondent Police received information about illegal sale of contraband. On receipt of information, he along with his team went to scene of occurrence Valankulam. At that time, two unknown person were standing in a suspicious manner. On seeing the police, they tried to flee from the place but the Police caught them, enquired and conducted search. Subsequently, the Police conducted search and the accused persons found in a possession of 21.405 kgs of ganja. Further, the respondent Police seized the contraband, Mobile Phone-1 under cover of seizure mahazar in presence of witnesses. The respondent Police arrested the accused persons A1 to A3 and recorded their confession statement. Based on the above complaint, FIR in Crime No.600 of 2025 registered for offence under Sections 8(c), 20(b)(ii)(c), 25 and 29(i) of NDPS Act on 19.12.2024 against the accused persons. The specific overtact of the accused is as follows:



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S.No.	Accused	Contraband Seized	Commercial/ Non-Commercial	NDPS Schedule	Chemical Report
1	Hariharan @ Gowtham/A1	750 gram ganja	Commercial Quantity	55	NAR No.94/2025 on 07.02.2025
2	Shanmuga Krishnan/A2	No Recovery			
3	Surya/A3 [As per FIR as per charge sheet – A1]	20.200 kgs of ganja			
4	Joshua/A4	215 grams of ganja			
5	Parthasarathy/A5	No recovery			
6	Mohammed Azarudin/A6	240 grams of ganja			
7	Vinish/A7	No recovery			
8	Sky Walker Surya/A8	No recovery			
	Total	21.405 kgs of ganja			

4.It is further submitted that during the course of investigation, on 07.03.2025, the Investigating Officer arrested the petitioner/A4, seized 215 grams of ganja, recorded his confession statement in presence of witnesses, produced before the learned Judicial Magistrate Court No.III, Coimbatore and remanded into judicial custody on the same day. Thereafter, the Investigating Officer sent the sample of contraband to the forensic science and the same was assigned *vide* No.NAR No.94/2025 and the report is



obtained on 07.02.2025. On completion of investigation, charge sheet filed before the trial Court and the same was taken on E-filing No. LTN202300002222C202500184 dated 23.07.2025.

5.He further submits that the petitioner has got eight previous cases of which, three are under investigation; two cases are pending trial; two cases are not taken on file and in one case, got acquittal. In this case, from the petitioner, 215 grams of ganja was seized, hence, strongly opposed for grant of bail.

6.Considering the rival submissions and on perusal of materials, it is seen that initially based on the information, the respondent Police arrested A1 & A2, from them 750 grams of ganja seized. On the confession of A1, A3 arrested, 20 kgs of ganja seized. Thereafter, on subsequent confession, the other accused arrested including the petitioner. From the petitioner, 215 grams of ganja seized.

7.It is also seen that this Court earlier had granted earlier bail to A2, A5 & A6 by order dated 29.04.2025, 30.04.2025 & 07.04.2025 in CrI.O.P.Nos.11107, 12259 & 10401 of 2025 respectively. In this case, 240



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grams of ganja seized from A6 who is also similarly placed as that of the petitioner. Further, on completion of investigation, charge sheet filed before the trial Court.

8.Considering the fact that co-accused already granted bail and charge sheet filed before the trial Court, this Court is inclined to grant bail to the petitioner/A4 with certain conditions.

9.Accordingly, the petitioner is ordered to be released on bail on 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 learned Additional District Judge/Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore District and on further conditions that:

[a]the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b]the petitioner shall report before the respondent Police daily at 10.30 a.m until further orders except on the dates when he is required to appear before the trial Court in connection with other cases;



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[c]the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[f] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[g] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]*;

[h]If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

05.08.2025

Speaking Order/Non Speaking Order

Index : Yes/No

Neutral Citation: Yes/No

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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



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

To

- 1.The Additional District Judge/Presiding Officer,
Special Court for Essential Commodities Act Cases,
Coimbatore District.
- 2.The Inspector of Police,
Race Course Police Station,
Coimbatore City,
Coimbatore District.
- 3.The Central Prison,
Coimbatore.
- 4.The Public Prosecutor,
Madras High Court.



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M.NIRMAL KUMAR, J.

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PRE-DELIVERY ORDER IN
CrI.O.P.No.15895 of 2025

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