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CrI.O.P.No.16856 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.16856 of 2025

Vivek Kumar Yadav

... Petitioner

Vs.

State Rep. by
The Inspector of Police
PEW Triplicane Unit
Chennai

... Respondent

Prayer: Criminal Original Petition filed under Section 528 of BNSS, 2023 to modify the bail condition that "the petitioner/accused is ordered to be released on bail, on executing a bond of Rs.10,000/- (Rupees Ten thousand only) with two sureties for a like sum each to the satisfaction of the learned XIV Metropolitan Magistrate, Egmore. One among the sureties should be a Government Surety" against the petitioner in CrI.M.P.No.2586/2025 in Crime No.50 of 2025.

For Petitioner	: M.A.Jayamohan
For Respondent	: Dr.C.E.Pratap
	Government Advocate (CrI. Side)



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ORDER

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This Criminal Original Petition has been filed by the petitioner to modify the bail condition imposed by the Principal Special Court under EC & NDPS Act, Chennai, in CrI.M.P.No.2586 of 2025 dated 30.05.2025 in Crime No.50 of 2025, directing the petitioner/accused to execute a bond of Rs.10,000/- with two sureties for a like sum each to the satisfaction of the learned XIV Metropolitan Magistrate, Egmore and one among the sureties should be a Government Surety.

2. The learned counsel for the petitioner submitted that the petitioner was arrested and remanded to judicial custody on 30.04.2025 in connection with Crime No.50 of 2025 on the file of the respondent police for the offence under Section 8(c) read with 20(b)(ii)(B) of the NDPS Act, 1985 alleging that the petitioner was found in possession of 4.200 kgs. of Ganja. Thereafter, the petitioner filed a petition in CrI.M.P.No.2586 of 2025 before the Principal Special Court under EC & NDPS Act, Chennai, seeking bail and the said



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petition was allowed by order dated 30.05.2025 with certain conditions and

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one of conditions is that:

"1. The petitioner/accused is ordered to be released on bail, on executing a bond of Rs.10,000/- (Rupees Ten thousand only) with two sureties for a like sum each to the satisfaction of the learned XIV Metropolitan Magistrate, Egmore. One among the sureties should be a Government Surety".

3. The learned counsel for the petitioner submitted that the petitioner is unable to arrange Government Surety and thereby, he is unable to come out on bail despite being granted bail.

4. Heard both sides and perused the materials available on record.

5. It is seen that while granting bail to the petitioner, the Special Court has imposed a condition directing the petitioner to produce a Government Surety. But no Government Servants would stand as a surety to an accused



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involved in NDPS case. The said condition in respect of Government Surety

imposed by the Special Court is un-reasonable by which, the very purpose and object of bail itself is defeated. Therefore, the said condition alone is modified to the effect that;

1. the petitioner/accused is ordered to be released on bail on executing a bond of Rs.10,000/- (Rupees Ten thousand only) with two sureties for a like sum each to the satisfaction of the learned XIV Metropolitan Magistrate, Egmore.

6. The rest of the conditions shall remain un-altered.

7. With the above modifications, this Criminal Original Petition is disposed of.

12.06.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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Note: Issue order copy on 13.06.2025.



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To

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1. The Principal Special Court under EC & NDPS Act,
Chennai
2. The XIV Metropolitan Magistrate,
Egmore.
3. The Inspector of Police
PEW Triplicane Unit
Chennai
4. The Public Prosecutor
High Court of Madras, Chennai



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P.VELMURUGAN. J.

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