



CrI.O.P.No.17925 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 23.06.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.17925 of 2025

1. Rejoice

2. Shiba Digal

... Petitioners

Vs.

State Rep. by its

The Inspector of Police

B2, Thiruvallur Taluk Police Station

Thiruvallur District

(Crime No.145 of 2025)

... Respondent

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S., to modify the conditions that "...3. ...1. the petitioners/accused are ordered to be released on bail, on executing a bond of Rs.10,000/- (Rupees one thousand only) each with two sureties for a like sum each to the satisfaction of the learned the one among the sureties should be a Government Surety..." imposed by the Special Court for EC/NDPS Act, Salem in CrI.M.P.No.2500 of 2025 dated 29.05.2025.



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For Petitioners : Mr.C.Deepakkumar
For Respondent : Dr.C.E.Pratap
Government Advocate (CrI. Side)

ORDER

This Criminal Original Petition has been filed by the petitioners to modify the condition imposed by the Principal Special Court under EC & NDPS Act, Chennai in CrI.M.P.No.2500 of 2025 dated 29.05.2025, directing the petitioners to execute a Government Surety.

2. The learned counsel for the petitioners submitted that the petitioners who have been arrayed as A1 and A2 in Crime No.145 of 2025 on the file of the respondent police for the offence under Sections 8(c) read with 20(b)(ii)(B), 29(1) of the NDPS Act, 1985 alleging that the petitioners were found in possession of 3 kgs. of Ganja, were arrested and detained in prison on 25.04.2025. Thereafter, the petitioners moved a bail petition before the Principal Special Court under EC & NDPS Act, Chennai in CrI.M.P.No.2500



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of 2025 and the same was ordered on 29.05.2025 with certain conditions and

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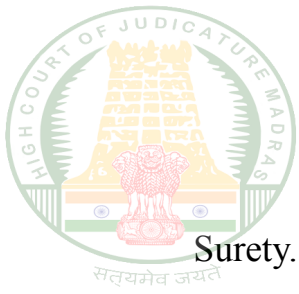
one among the conditions is that:

"1. The petitioners/accused are directed to be released on bail, on executing a bond of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties for a like sum each to the satisfaction of the learned and one among the sureties should be a Government Surety."

2.1 The learned counsel for the petitioner further submitted that since the petitioners are native of Odisha, they are unable to arrange Government Surety and thereby, the petitioners are still languishing in prison despite being granted bail. Hence, he seeks for modification of the said condition.

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

4. It is seen that while granting bail to the petitioners, the Special Court has imposed a condition directing the petitioners to produce Government



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Surety. But no Government Servant would stand as a surety to an accused involved in NDPS case. The Hon'ble Supreme Court has time and again has reiterated that onerous conditions not to be imposed while considering bail application.

5. Therefore, the condition imposed by the Principal Special Court under EC & NDPS Act, Chennai in CrI.M.P.No.2500 of 2025 dated 29.05.2025 that "*one among the sureties should be a Government Surety.*" alone, is set aside.

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

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

23.06.2025

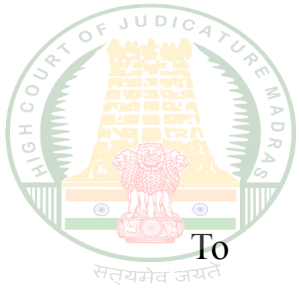
Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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Note: Issue order copy on 23.06.2025.



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To

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1. The Principal Special Court under EC & NDPS Act,
Chennai
2. The Inspector of Police
B2, Thiruvallur Taluk Police Station
Thiruvallur District
3. The Superintendent of Prison
Central Prison, Puzhal
4. The Public Prosecutor
High Court of Madras

Copy to:

Judicial Magistrate No.1
Thiruvallur



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P.VELMURUGAN,J.

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