



Crl.O.P.No.19638 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2025

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.19638 of 2025

Kishorkumar @ Kishor

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kondungaiyur Police Station,
Chennai.
(Crime No.266 of 2025).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime
No.266 of 2025 on the file of the respondent Police.

For Petitioner : Mr.C.R.Gokulvisvas

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

ORDER

The petitioner, who was arrested and remanded to judicial custody for the offences under Sections 8(c), 20(b)(ii)(C) and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.266 of 2025, on the file of the respondent Police, seeks bail.



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2. The case of the prosecution is that on 19.05.2025, at 06.15 a.m., the respondent and his team, on receiving a secret information about the illegal possession of Ganja, had conducted a search and found that the petitioner was found to be in illegal possession of 21.140 kilograms of Ganja. The respondent seized the contraband and arrested the petitioner. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is innocent and has been falsely implicated in this case. He further submitted that initially, the petitioner was taken for illegal detention on 17.05.2025 itself by the Inspector of Police, M1 Madhavaram Police Station and on the same day, the petitioner's wife had lodged a complaint through TN Police Whatsapp complaint number and issued with receipt No.CFS25971825 and once again on 18.05.2025, lodged a complaint and received acknowledgement receipt No.CFS25978003. Thereafter, on 19.05.2025, the petitioner's wife has sent a representation to the City Police Commissioner and the M1 Madhavaram Police and consequently, she has filed a Habeas Corpus Petition before this Court in HCP No.956 of 2025, whereas, the respondent has registered the present case on 19.05.2025 alleging that he was in possession of 21.140 kilograms of Ganja. Hence, he prayed for grant of bail to the petitioner.



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4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and opposed for granting bail to the petitioner. He further submitted that the petitioner is a habitual offender having 17 previous cases including three similar nature cases. He also submitted that the contraband recovered from the accused is commercial quantity.

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

6. On perusal of records, it is seen that when the petitioner was taken by the Inspector of Police, M1 Madhavaram Police Station, the petitioner's wife lodged a compliant on 17.05.2025 itself and also lodged further complaints on 18.05.2025 and 19.5.2025. Since the complaints were not considered, she was constrained to file a Habeas Corpus Petition before this Court. Meanwhile, the respondent registered the present case and remanded the petitioner to judicial custody. Therefore, the arrest of the petitioner and the alleged possession of contraband recovered from the petitioner is not believable and no prima facie case is made out against the petitioner. The petitioner has satisfied the conditions required under Section 37 of NDPS Act.

7. Considering the above facts and circumstances of the case, the submissions made by the learned counsel appearing on either side and taking note



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of the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with 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 blood related sureties**, each for a like sum to the satisfaction of the learned **Metropolitan Magistrate Court, Egmore, Chennai**, and on further conditions that:

[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 everyday at 10.30 a.m., for a period of thirty days and thereafter, as and when required for interrogation;

[c] the petitioner shall not abscond during 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 of B.N.S.

14.07.2025

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To

1. The Metropolitan Magistrate Court,
Egmore, Chennai.
2. The Inspector of Police,
Kondungaiyur Police Station,
Chennai.
3. The Superintendent,
Central Jail, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

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