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CrI.O.P.No.19747 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.19747 of 2025

Bakel Kunnin Mohammed Jawad

... Petitioner/Accused

Vs.

Union of India Rep. By
The Superintendent of Customs,
Prosecution Unit-Airport, New Custom House,
Meenambakkam, Chennai.

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in R.R.No.19 of 2025 in O.S.No.26/2025-INT AIR & O.S.No.434/2025 AIU-C, on the file of the respondent police.

For Petitioner : Mr.D.Sugumar

For Respondent : Mr.P.Vishnu
Special Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.06.2025, for the offence punishable under Sections 8(c) r/w 20(b)(ii)(B), 23 and 28 of Narcotic Drugs & Psychotropic Substances Act, 1985 in connection with R.R.No.19 of 2025 in O.S.No.26/2025-INT AIR &



CrI.O.P.No.19747 of 2025

O.S.No.434/2025 AIU-C, registered on the file of the respondent, seeks bail.

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2.The case of the prosecution is that the petitioner was found in illegal possession of 2.416 kgs. of Ganja. Hence, the case.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and a false case has been foisted against him. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police while opposing for grant of bail to the petitioner, reiterated the prosecution case and submitted that the petitioner illegally transported Ganja from Bangkok to Chennai. During Customs check-up in International Airport, Chennai, the petitioner's baggage was intercepted and 2.416 kgs. of Ganja recovered. He further submitted that the petitioner has got no previous case.

5.Heard the learned counsel appearing on both sides.

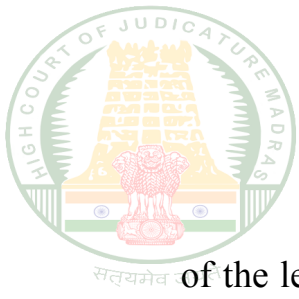


CrI.O.P.No.19747 of 2025

WEB COPY

6.Considering the submissions made on either side, it is seen that the petitioner is an Auto driver at Kasargod, Kerala. One Muji was a passenger in his auto and on a casual conversation, the petitioner informed about his poor financial conditions, for which, the said Muji promised the petitioner to tide over his difficult financial situation and asked him to travel to Bangkok. For the first time the petitioner had gone to Bangkok and followed the Muji's direction, who took care of the entire trip and promised to give substantial amount for his return. After detention of the customs authority, the petitioner gave Muji's contact details. When the petitioner called Muji, his phone was switched off. The petitioner having no bad antecedents, acted as a carrier. Further, considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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, of whom, one surety should be a blood surety and another surety can be a local surety**, each for a like sum to the satisfaction



Crl.O.P.No.19747 of 2025

of the learned **Principal Special Judge, Principal Special Court for EC & NDPS Act, Chennai** 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 everyday at 10.30 a.m. until further orders;

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

[d] 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;

[e] 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]**;

[f] If the accused thereafter absconds, a fresh FIR



CrI.O.P.No.19747 of 2025

can be registered under Section 269 of B.N.S.

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16.07.2025

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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 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 Principal Special Judge,
Principal Special Court for EC & NDPS Act,
Chennai.

2.Union of India Rep. By
The Superintendent of Customs,
Prosecution Unit-Airport, New Custom House,
Meenambakkam, Chennai.

3.The Superintendent,
Central Prison-II, Puzhal,
Chennai.

4.The Public Prosecutor,
High Court of Madras.

5/6



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Crl.O.P.No.19747 of 2025

M.NIRMAL KUMAR, J.

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Crl.O.P.No.19747 of 2025

16.07.2025