



Crl.O.P.Nos.31445, 31453, 31455 & 31930 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2025

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THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

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Mahendra Barik	... Petitioner in Crl.OP.No.31445 of 2024
Panchanana Raut	... Petitioner in Crl.OP.No.31453 of 2024
Gautam Barik	... Petitioner in Crl.OP.No.31455 of 2024
1.Johabanth Suvai	
2.Sanjai Jenna	... Petitioners in Crl.OP.No.31930 of 2024

Vs.

State, Rep. by
The Inspector of Police
NIB-CID, Chennai
(Crime No.41 of 2024)

... Respondent in all the Crl.OPs

COMMON PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in Crime No.41 of 2024 on the file of the respondent Police.

For Petitioner : Mr.R.Mukeshkannah
[in all the Crl.OPs]

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)
[in all the Crl.OPs]

COMMON ORDER



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Petitions seeking bail in respect of Crime No.41 of 2024 registered for the offences punishable under Sections 8(c), 20(b)(ii)(C) and 29(1) of NDPS Act is on board for consideration.

2.The incarceration of the petitioners being from 18.08.2024 pleading innocence on the part of the petitioners and false implication in the case, learned counsel for the petitioners seeks indulgence of this Court. He further submits that aside from the fact that the petitioners were arrested together, there is no other material to suggest that they travelled together or that each petitioner had conscious possession of the contraband allegedly taken by the other accused. He also submits that even as per the the prosecution, the amount of ganja claimed to have been recovered from each petitioner constitutes an intermediate quantity. He further submits that the petitioners have permanent residence in Odisha. He further submits that even as per the confession statement of A1, A1 is said to have engaged the persons for carrying the contraband and there is no record to show that the petitioners were aware of the contraband. He further submits that they are ready to abide by any stringent conditions that may be imposed by this court.

3.The case of the prosecution, as putforth by the learned Government



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Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the accused totalling six in numbers were found to be in possession of 25 kgs of ganja. He further submits that as per the recovery mahazar, 6 kgs (each) of ganja were recovered from A3, A5, A6 and there is no recovery from A2.

4.Having heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, including the counter affidavit filed by the respondent, this Court is of the opinion that the petitioners have satisfied the twin conditions as contemplated under Section 37 of NDPS Act, and considering the period of incarceration undergone by the petitioners, this court is inclined to grant bail to the petitioners with certain conditions and accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, (out of which, one surety should be a blood related surety) each for a like sum to the satisfaction of the **learned XVI Metropolitan Magistrate, George Town**, and on further conditions that:

[a] the sureties shall affix their photographs and Left



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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 petitioners shall report before the respondent Police, everyday at 06.30 p.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

03.01.2025

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To

1.The learned XVI Metropolitan Magistrate,
George Town
Chennai.

2.The Inspector of Police
NIB-CID, Chennai

3.The Superintendent,
Central Prison II, Puzhal.

4.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.
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