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Crl.O.P.No.30577 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2025

CORAM

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

Crl.O.P.No.30577 of 2024

Mohammad PA @ Salam

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
NIB-CID,
Villupuram
(Crime No.15 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Crime No.15 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.R.C.Paul Kanagaraj

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

Petition seeking bail in respect of Crime No.15 of 2024 registered for the offences punishable under Sections 8(C), 20(b)(ii)(c), 25, 29(1) of the NDPS Act, 1985, is on board for consideration.



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2. The incarceration of the petitioner being from 22.07.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He submits that the petitioner, other than being the father of A1, has nothing to do with the alleged offence. He submits that A1, who is the son of the petitioner, had borrowed money from the petitioner for his business and the petitioner, unknowingly had given money to his son, other than that, the petitioner has no involvement or connection whatsoever with the offence related to narcotics. He further submits that there is no recovery from the petitioner and other than the confession, which is inadmissibly recorded from A1, there is no other material to connect the petitioner to the crime. He further submits that the petitioner has no other case pending against him under NDPS Act. He also submits that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that on 27.08.2024, on specific information, the respondent police had intercepted a four wheeler bearing Reg.No.AP 37 TD 6253 and on search, A1,

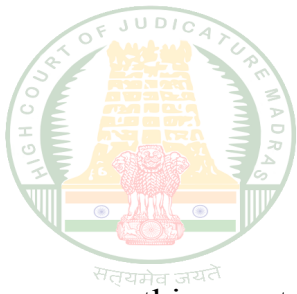


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Aasif and A2, Udhayakumar, who drove the vehicle, were found to be in possession of 258.300 Kgs of ganja. He submits that during the course of investigation, it came to light that the petitioner, who is the father of A1, has unknowingly abetted the main accused, by giving him a sum of Rs.2,57,000/- for purchasing ganja from Andhra Pradesh. He further submits that the petitioner has got five previous cases registered under IPC before the police stations in Kerala.

4. At this juncture, the learned counsel for the petitioner reiterates that as far as the petitioner is concerned, there is no recovery from him and further, there is no previous case against him under the NDPS Act, hence, he had satisfied the conditions required under Section 37 of NDPS Act. Therefore, he prayed for grant of bail to the petitioner.

5. Having heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record including the counter filed by the respondent Police and taking note of the fact that there is no recovery from the petitioner other than the alleged confession statement recorded from A1 and considering that the petitioner has satisfied the conditions required under Section 37 of NDPS Act,



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this court is inclined to grant bail to the petitioner with certain conditions and accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Special Court for trial under NDPS Act cases, Villupuram**, 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., until further orders;

[c] the petitioner shall not abscond either 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 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]***;



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[f] If the accused thereafter absconds, a fresh FIR
can be registered under Section 269 of B.N.S.

21.01.2025

Anu

To

1. The Special Court for trial under
NDPS Act cases, Villupuram.

2. The Inspector of Police,
NIB-CID,
Villupuram

3. The Superintendent,
Central Prison, Cuddalore.

4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

Anu

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