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CRL O.P. No.30931 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.01.2025

CORAM

The Hon'ble Mr. Justice P.DHANABAL

CRL OP.No.30931 of 2024

SARAN

S/o.Sathiyamoorthy,

... Petitioner / Accused-5

Vs

State rep. by:-

The Inspector Of Police,
PEW Anna Nagar Police Station,
Chennai District.

... Respondent

[Cr. No.278 of 2024]

PRAYER:- The Criminal Original Petition is filed under Section 483 of B.N.S.S., praying to grant bail to the petitioner/Accused in Cr. No.278 of 2024 on the file of the respondent police.

For Petitioner : Mr. P. Santhosh

For Respondent : Mr. S. Balaji
Government Advocate
[Criminal side]

ORDER

The petitioner / Accused-5, who was arrested and remanded to judicial custody on 13.09.2024 for the offences punishable under



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Sections 8(c), 20(b)(ii)(C) and 29(1) of NDPS Act, 1985 in Cr. No.278 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that based on the secret information with regard to the illegal transport of Narcotic substance, the respondent police party went to the scene of occurrence near Karumariamman Kovil, Karunanithi Salai, Sembium on 31.05.2024 and found the accused 1 to 3 in a suspicious manner and when they tried to escape, the police party caught them red handed with illegal possession of 20.100 kgs of Ganja. Hence the case.

3. The learned counsel for the petitioner would contend that the respondent police have registered a false case against the petitioner for the offences punishable under Sections 8(c), 20(b)(ii)(C) and 29(1) of NDPS Act, 1985 and he was arrested and remanded to judicial custody on 13.09.2024. Even according to the prosecution, A1 to A3 were only arrested with contraband and based on their confession statements, A4 and this petitioner was arrested and this petitioner has been arrayed as A5. No contraband was recovered from this petitioner. In fact, the



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petitioner is an innocent and he has not committed any offence as alleged by the prosecution. Therefore prayed to grant bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the quantity of contraband involved in this case is a commercial quantity. A1 to A3 were arrested for the possession of the commercial quantity of Ganja weighing about 20.100 kgs. The confession statements of A1 to A3 and the statement of witnesses, reveal that this petitioner has only supplied contraband to other accused. Investigation is completed and charge sheet has also been filed. The offences are grave in nature. The petitioner has 10 previous cases. Hence, he strongly opposed to grant bail to the petitioner.

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

6. Considering the rival submissions made by the learned counsels on either side, the nature of offences, only based on the confession statement of co-accused, this petitioner has been arrayed as an accused in this case, though the petitioner has 10 other previous cases, all the cases are not of similar nature and in all the cases, the petitioner was



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granted bail, the co-accused were already released on bail by this Court, considering the incarceration period of the petitioner from 13.09.2024 and also considering the fact that investigation was completed and charge sheet was also filed, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the **Principal Special Court for EC & NDPS Act cases, Chennai** and on further conditions that:

[b] the petitioner shall report before the concerned NDPS Court on all working days at 10.30 a.m. until further orders;

[c] the petitioner shall not commit any offence similar to the offence of which she is accused, or suspected, or of the commission of which she is suspected;



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[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] On breach of any of the aforesaid conditions, the learned Judicial 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.



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index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
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To

- 1.The Principal Special Court for EC & NDPS Act cases, Chennai
- 2.The Public Prosecutor, Madras High Court, Chennai.
3. The Inspector Of Police, PEW Anna Nagar Police Station, Chennai District.
4. The Superintendent of Police, Central Prison, Puzhal, Chennai.

P.DHANABAL,J
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