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Crl.O.P.Nos.30869, 31039 of 2024 & 832 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2025

CORAM

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

Crl.O.P.Nos.30869, 31039 of 2024 & 832 of 2025

Siddharth

...Petitioner in
Crl.O.P.No. 30869/2024

Arunkumar

...Petitioner in
Crl.O.P.No.31039/2024

Jaga @ Jagadeesh

...Petitioner in
Crl.O.P.No. 832/2025

Vs.

State represented by:
The Inspector of Police,
K-8 Arumbakkam Police Station,
Chennai.
(Cr.No. 441 of 2024)

... Respondent in
both Crl.O.Ps

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

For Petitioner (s) in

Crl.O.P.No. 30869/2024 :: Mr.K.R. Vignesh

Crl.O.P. No.31039 2024 :: Mr.V. Ramamurthy



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Crl.O.P. No. 832 of 2025:: Mr.S. Ramachandran

For Respondent
in all Crl.O.Ps

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

COMMON ORDER

Petitions seeking bail in respect of Crime No.441 of 2024 registered for the offences punishable under Sections 8(c) r/w.22(b) & 29(1) @ u/s.8(c) r/w.22(b), 29(1) & 22(b)(ii)(A) of NDPS @ u/s.8(c) r/w 22(b), 22(c), 25, 29 & 20(b)(ii)(A) of NDPS Act is on board for consideration.

2.The incarceration of the petitioners being from 21.10.2024, 20.10.2024 & 20.10.2024, respectively, pleading innocence on the part of the petitioners and false implication in the case, learned counsel for the petitioners seeks indulgence of this Court.

3.Learned counsel for the petitioner in Crl.OP.No.30869 of 2024 submits that the petitioner has been implicated in this case solely based on confession statement of A1 and there is no recovery from the petitioner, other than the inadmissible confession statement of A1, there is no material evidence to implicate the petitioner in this case.

4.Learned counsel for the petitioner in Crl.OP.No.31039 of 2024 submits that the petitioner is an innocent person and he has been falsely



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implicated in this case. He further submits that even as per the prosecution the total contraband said to have been recovered from the petitioner is 25.92 grams of Methamphetamine, which constitutes an intermediate quantity. Initially, 11.59 grams of Methamphetamine was said to have been recovered from the petitioner, and later, 14.33 grams was said to have been found outside the petitioner's house. He also points out that the only witnesses in this case are police personnel and there is no other independent witnesses. He further submits that the petitioner has no bad antecedents. He further submits that at the later point of time 1 kg of contraband (Methaphatamine) was said to have been recovered from A8 (Viswanatha Reddy) and there is no nexus between the petitioner and the said Viswanatha Reddy/A8.

5.Learned counsel for the petitioner in Crl.OP.No.832 of 2025 submits that the petitioner has been implicated in this case solely based on confession statement of A1 and there is no recovery from the petitioner, other than the inadmissible confession statement of A1, there is no material evidence to implicate the petitioner in this case.

6.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 A1 was found in suspicious circumstances and was in possession of 11.59 grams of Methamphetamine. subsequently, 14.33 grams of



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Methamphetamine was recovered from his house. He further submits that based on A1's confession statement, Siddharth/A2 and Jagadeesh/A5 were arrested. In his confession, A1 admitted their involvement in the Methamphetamine trade, purchasing it from A11, A12, and A16 through one Santhosh, a resident of Bengaluru. He also submits that the investigation into the matter is still ongoing.

7.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 affidavits filed by the respondent, considering the fact that 25.92 grams of Methamphetamine, which is an intermediate quantity, was recovered from A1 and there is no recovery from A2 & A5, 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 each of them 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 V Metropolitan Magistrate, Egmore, Chennai, 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 10.30 a.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 absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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A.D.JAGADISH CHANDIRA, J.
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To

1. The V Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
K-8 Arumbakkam Police Station,
Chennai.
3. The Superintendent,
Central Prison II, Puzhal.
4. The Public Prosecutor,
High Court of Madras.

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