



WEB COPY



Crl.O.P.No.582 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2025

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.582 of 2025

Chowdam Nagashesulu

... Petitioner

Vs.

State Represented by,
The Inspector of Police,
NIB CID,
Salem District.
Crime No.26 of 2024.

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail in pending trial in Spl.C.C.No.124 of 2024 in Crime No.26 of 2024, on the file of the Special Court for Trial of EC Act Cases, Salem.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.S.Balaji,
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody



CrI.O.P.No.582 of 2025

on 13.03.2024, for the alleged offence under Sections 8(c) r/w 20(b) (ii)(C), 29(1) of NDPS Act, 1985 in Crime No.26 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 13.03.2024, based on the secret information with regard to the illegal transport of Ganja, the respondent police went to the scene of occurrence and conducted a search, wherein they found that the petitioner along with other accused was in possession of 32 kgs of ganja. Hence, the complaint.

3. Learned counsel appearing for the petitioner would contend that the respondent police have registered a false case against the petitioner for the offence punishable under Sections 8(c) r/w Section 20(b) (ii)(C) and 29(1) of NDPS Act, 1985 and he was arrested and remanded to judicial custody on 13.03.2024. This is the second bail application filed by the petitioner. In fact, the petitioner travelled in a train, at that time, unknown bag was kept inside the train and the police, without proper enquiry, arrested the petitioner for statistical purpose. Even according to the prosecution, there is no whisper as to how much of ganja was recovered from this petitioner and



CrI.O.P.No.582 of 2025

they only stated in general that they recovered contraband from the petitioner and other accused. There is no specific allegations as against this petitioner as to recovery of the contraband. The petitioner is an innocent and he has not committed any offence as alleged in the FIR. He further submits that the co-accused was already released on bail by this Court. Hence, he prays to grant bail for the petitioner.

4. The learned Government Advocate (CrI.Side) would submit that the petitioner is arrayed as A1 and he along with other accused transported 32 kgs of ganja in two bags and while they were carrying the bags containing ganja in the train, the same was intercepted by the respondent police and they seized the contraband and the seized contraband is in commercial quantity. During the investigation, it was revealed that the accused persons bought the above said contrabands from Andhra Pradesh and sell the same for their personal gain. Investigation was completed and charge sheet was also filed before the Special Court for EC & NDPS Court, Salem in Spl.C.C.No.124 of 2024 dated 29.10.2024. Hence, he strongly opposed to grant bail to the petitioner.



CrI.O.P.No.582 of 2025

WEB COPY

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the representation made by both side counsel, considering the period of incarceration of the petitioner from 13.03.2024, even according to the prosecution there is no whisper about the recovery of contraband from this petitioner, and in the Seizure Mahazar, the respondent police have shown the name of the petitioner along with other accused and no specific mention about the recovery of contraband in two bags, from whom they were recovered, considering the absence of specific information with regard to the recovery of contraband from this petitioner, considering the fact that the investigation was completed and the charge sheet was also filed and the case is posted for further proceedings, though the petitioner has one previous case in Andhra Pradesh, in that case, he has been released on bail, co-accused was also released on bail by this Court, and also considering all other factors, this Court is inclined to grant bail to the petitioner, subject to certain conditions.



CrI.O.P.No.582 of 2025

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, each for a like sum to the satisfaction of the Additional District Judge & Presiding officer, Special Court under EC & NDPS Act Cases, Salem (FAC) and on further conditions that:-

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

[b] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[c] 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 him from disclosing such facts to the Court or to any police officer;

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

[e] 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



WEB COPY



CrI.O.P.No.582 of 2025

P.DHANABAL, J.

drl

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]; and

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

22.01.2025

drl

To

- 1.The Additional District Judge and
Presiding Officer, Special Court under
EC & NDPS Act Cases, Salem (FAC).
- 2.The Inspector of Police,
NIB CID, Salem District.
- 3.The Superintendent,
Central Prison, Salem.
- 4.The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.582 of 2025