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CRL O.P. No.944 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.01.2025

CORAM

The Hon'ble Mr. Justice P.DHANABAL

CRL OP.No.944 of 2025

Naresh Praveen @ Naresh S/o. Pathy ... Petitioner / Accused-2

Vs

State rep. by:-

The Inspector of Police,
P-6 Kodungaiyur Police Station. ... Respondent /
Complainant.
[Cr. No.742 of 2023]

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.742 of 2023 on the file of the respondent police.

For Petitioner : Mr. N. Nishar Ahamed

For Respondent : Mr. S. Balaji,
Government Advocate (Criminal side).

ORDER

The petitioner / Accused-2, who was arrested and remanded to judicial custody on 23.12.2023 for the offences punishable under

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Sections 8(c) read with 22(c), 25 and 29(1) of Narcotics Drugs & Psychotropic Substance Act, 1985 in Cr. No.742 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that based on a secret information with regard to the illegal transport of Narcotic substance, on 23.12.2023 at about 6.30 hours, the respondent police along with their team went to the scene of occurrence at Parvathy Nagar nearby bus stand and found some unknown persons suspiciously standing with two wheeler bearing Registration NO.TN05-CE-3487 and when they tried to escape on seeing the police party, they were caught red handed by the respondent police and on enquiry, it came to know that those persons are A3 and the petitioner herein and they possessed illegally 1200 Nitrovet tablets each weighing 10 mg. 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) read with 22(c), 25 and 29(1)



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of Narcotics Drugs & Psychotropic Substance Act, 1985 and he was arrested and remanded to judicial custody on 23.12.2023. According to the prosecution, the petitioner and others were found in possession of 1200 numbers of Nitrovet tablets. In fact, the petitioner is an innocent and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Already the petitioner had filed many petitions for granting bail and the same were dismissed. There are some contradictions in the Mahazar prepared by the respondent police and already investigation was completed and the charge sheet was also filed. Already co-accused were released on bail. 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 and the petitioner was found in possession of 1200 numbers of Nitrovet tablets, which comes under the commercial quantity. The petitioner has to comply the condition under Section 37 of NDPS Act. Already this Court dismissed the earlier bail applications filed by



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the petitioner. There is no change in circumstances. 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, in this case, the petitioner is aged only about 24 years and there is no previous case pending against the petitioner, he is in judicial custody from 23.12.2023, there is an alteration in the Seizure Mahazar in respect of the number of the tablets and also there are some contradictions in the charge sheet, investigation was completed and charge sheet was also filed,, even according to the prosecution, there are some discrepancies in respect of the samples sent to the Forensic Science Laboratory, already co-accused were released on bail and also considering all other factors, 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



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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 NDPS Court concerned, 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 he is accused, or suspected, or of the commission of which he is suspected;

[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 him 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



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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, P-6 Kodungaiyur Police Station.
4. The Superintendent of Police, Central Prison, Puzhal, Chennai.

P.DHANABAL,J

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