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Crl.O.P.No.837 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2025

CORAM

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

Crl.O.P.No.837 of 2025

Gokulraj

... Petitioner

Vs.

State Rep by
The Inspector of Police,
PEW Thiruvallur Unit.

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail in C.C.No.639 of 2024 in Crime No.51 of 2024 on the file of the respondent police.

For Petitioner : Mr.V.A.Pratheepkumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.02.2024, for the alleged offence under Sections 8(c) r/w 20(b)(ii)(C),



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29(1) of NDPS Act, in Crime No.51 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 08.02.2024, based on the secret information, the police party went to the scene of occurrence at Tiruvallur Gandhipuram opposite to the house of the accused persons and found the petitioner along with other accused with illegal possession of 21.500 kgs of ganja. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner was arrested by the respondent police on 08.02.2024 for the alleged offences under Sections 8(c) r/w 20(b)(ii)(C), 29(1) of NDPS Act, 1985. The petitioner is an innocent person and has nothing to do with the alleged offence. He also submits that this is the second bail application filed by the petitioner and the earlier bail application was closed on the ground that the co-accused in the same crime number has been considered by the concerned Court. The petitioner is in judicial custody from 08.02.2024 and the co-accused was also granted bail by this Court. Therefore, he prays to grant bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) would submit that this case was registered as against the petitioner and others for the illegal possession of 21.500 kgs of ganja. This petitioner is arrayed as A5. The investigation reveals that the petitioner along with other accused bought the contraband from Andhra Pradesh for selling in the local area for the personal gain. Samples were sent for analysis and report has also been collected. Investigation was completed and charge sheet was also filed and the case is pending in C.C.No.639 of 2024 before the Principal Special Court under EC & NDPS Act, Chennai. The petitioner has one previous case pending against him. Hence, he strongly opposed to grant bail to the petitioner.

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

6. Considering the rival submissions made by the learned counsel on either side, no contraband was recovered from this petitioner and even as per the prosecution, the entire contraband was recovered from the accused A1 and A2, co-accused A1 to A3 were already granted bail and A6 was



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granted anticipatory bail, though the petitioner has one previous case, in which, he has been released on bail, considering the period of incarceration of the petitioner from 08.02.2024, investigation was already completed and the charge sheet was also filed and also considering all other factors, this Court is inclined to grant bail to the petitioner, subject to certain conditions.

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 Judicial Magistrate No.I, Thiruvallur, and on further conditions that:-

[a] the petitioner shall report before the concerned NDPS Court, Chennai, 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



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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 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.

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P.DHANABAL, J.

drl

To

- 1.The Judicial Magistrate No.I,
Thiruvallur.
- 2.The Inspector of Police,
PEW Thiruvallur Unit.
- 3.The Superintendent,
Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court, Madras.

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