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CRL O.P. No.1430 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.01.2025

CORAM

The Hon'ble Mr. Justice P.DHANABAL

CRL OP.No.1430 of 2025

C. Sakthivel S/o. Chandran ... Petitioner / Accused
Vs

State rep. by:-

The Inspector of Police,
N-3 Muthialpet Police Station,
Chennai-600 001. ... Respondent
[Cr. No.32 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.32 of
2023 on the file of the respondent police.

For Petitioner : Mr. M.G. Martin Manivannan

For Respondent : Mr. KMD Muhilan
Government Advocate
[Criminal side]

ORDER

The petitioner / Accused, who was arrested and remanded to
judicial custody on 03.03.2023 for the offences punishable under



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Sections 8(C) read with 22(c), 25 and 29 (1) of NDPS Act and subsequently, altered to Sections 8(c) read with 20(a)(i), 22(c), 25 and 29(1) of NDPS Act, 1985 in Cr. No.32 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that based on the secret information, the respondent police went to the place of occurrence i.e., near Stanley Rountana, Chennai and conducted vehicle check up and found the accused A1 and A2 came through Honda Civic Car bearing Registration No.TN09 BA 6969 and the accused A3 and A4 in a two wheeler vehicle bearing Registration No.TN04 AZ 2869 and they were found illegal possession of 300 LSD Stamp. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the respondent police have registered a false case against the petitioner and others for the offences under Sections 8(C) read with 22(c), 25 and 29 (1) of NDPS Act and subsequently, altered to Sections 8(c) read with 20(a)(i), 22(c), 25 and 29(1) of NDPS Act, 1985. The petitioner is in judicial custody from 03.03.2023. According to the



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prosecution, the petitioner was in possession of 100 nos. of LSD Stamp weighing 2.50 grams, which is a commercial quantity and also the petitioner was in possession of Ganja. In fact, the petitioner has not committed any offence as alleged in the FIR and he has been falsely implicated in this case. There are so many procedural violation while drawing samples and there is a delay in sending the samples of contraband to the Lab and the petitioner is under the custody for a long period without any trial and even though this Court directed the trial Court to complete the trial within 4 months, the trial has not been commenced so far. Co-accused were already released on bail. Therefore, prayed to grant bail to the petitioner.

4. The learned Government Advocate (Criminal side) would submit that on 03.03.2023 at about 10 hours, when the Inspector of Police was in duty, he received a secret information and went to the place of occurrence and conducted vehicle check up and found the accused A1 and A2 came in a Honda Civic Car bearing Registration No.TN09 BA 6969 and the accused A3 and A4 came in a two wheeler vehicle bearing



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Registration No.TN04 AZ 2869 with illegal possession of banned contraband and the same were seized by the respondent police.

Thereafter, the accused were arrested and remanded to judicial custody.

As far as this petitioner is concerned, he had possessed 100 nos. LSD stamp weighing about 2.50 grams, which is a commercial quantity and hence he was arrested and remanded to judicial custody on 03.03.2023.

Based on the confession statement of the petitioner, Ganja crops were identified by him kept at his house and the same were also seized and investigation in this case was completed and the case is also posted for examination of witnesses. Therefore, if the petitioner is let out on bail, there is every possibility of absconding by the petitioner, tampering of evidences and threatening of witnesses. Therefore, he strongly opposed to grant bail to the petitioner.

5. Considering the rival submissions made on either side, the petitioner is in judicial custody from 03.03.2023, but trial has not yet been completed, even after direction was given by this Court to complete the trial within a stipulated period, no previous case is pending against



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this petitioner, already co-accused were also released on bail, the arguments of the learned counsel appearing for the petitioner with respect to procedural violations, they have to be looked into by the trial Court and the petitioner is at liberty to raise the objections at the time of trial and considering the period of incarceration of the petitioner from 03.03.2023, 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 Judge, Special Court under EC & NDPS Act, Chennai** and on further conditions that:

[b] The petitioner shall appear 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;



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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 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 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 269 B.N.S.2023..

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

- 1.The Principal Special Judge, Special Court under EC & NDPS Act, Chennai.
- 2.The Public Prosecutor, Madras High Court, Chennai.
- 3.The Inspector of Police, N-3 Muthialpet Police Station, Chennai-600 001.
4. The Superintendent of Police, Central Prison, Puzhal, Chennai..

P.DHANABAL,J
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