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Crl.O.P.Nos.32338 of 2024 & 3542 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 14.03.2025

PRONOUNCED ON : 21.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.Nos.32338 of 2024 & 3542 of 2025

1. R.Nirendran ... Petitioner in Crl.OP.No.32338 of 2024 /A15
2. Vishwanathan @
Makunda Viswanatha Reddy ... Petitioner in Crl.OP.No.3542 of 2025 /A8

Vs.

State, Rep. by the Inspector of Police
K8 Arumbakkam Police Station,
Chennai.
(Crime No.441 of 2024) ... Respondent in both cases

PRAYER: Criminal Original Petitions filed under Section 483 of BNSS, pleaded to enlarge the petitioners on bail, in connection with the Crime No.441 of 2024, pending investigation on the file of the respondent Police.

For Petitioner
in Crl.OP.No.32338/24

: Mr.B.Jayasuresh

For Petitioner
in Crl.OP.No.3542/25

: Mr.P.Thanga Prithvi Rajan

For Respondent
in both cases

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



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COMMON ORDER

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These Criminal Original Petitions have been filed by the petitioners/A15 & A8, who were arrested and remanded to judicial custody on 26.11.2024 and 24.10.2024, respectively, seeking bail in Crime No.441 of 2024 registered for the offence under Sections 8(c) r/w 22 (b) and 29(1) of NDPS Act, 1985 @ 8(c) r/w 22(b), 22(C), 25, 20(b)(ii)(A) and 29(1) of NDPS Act.

2. It is the case of the prosecution that on secret information, the respondent intercepted one Arunkumar, who was the first accused and was found in possession of 11.59 gms of Methamphetamine; that on his confession, it was revealed that he purchased the contraband from Anthony Ruban [A4] and would sell it to Deepakraj [A3], Siddharth [A2] and Jagadees @ Jaga [A9]; that after the arrest of the first accused, on his confession a further quantity of 14.33 kgs of Methamphetamine was seized from his house; that the confession of the arrested accused A5 and A6 revealed that they purchased Methamphetamine from one Sathish [A7] and Vishwanathan Reddy [A8]/the petitioner in Crl.OP.No.3452 of 2025 and 1 Kg of Methamphetamine was seized from this petitioner/A8; that the confession further revealed that A15/petitioner in Crl.OP.No.32338/24 was the main drug dealer, who had purchased the contraband from Delhi in commercial quantity and supplied to



A8, A13 and A14. Hence, the case was registered for the aforesaid offences.

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3. The learned counsel appearing for the petitioner/A15 submitted that no contraband was seized admittedly from the petitioner and is sought to be implicated only on the confession of the co-accused; that there is no other material to implicate the petitioner; that the petitioner is suffering from illness and was treated at the Jail Hospital and produced the medical records to substantiate the same; that similarly placed co-accused from whom, no contraband was seized and were implicated on the confession of the accused were granted bail by this Court in Crl.OP.Nos.30869, 31039 of 2024 & 832 of 2025 by order dated 20.01.2025 and in Crl.OP.No.2099 of 2025 by order dated 04.03.2025; and prayed for bail on parity.

4. The learned counsel for the A8/petitioner in Crl.OP.No.3542 of 2025 submitted that the petitioner has nothing to do with the other accused and he has been falsely included in this case and considering the period of incarceration and the allegations that 1 kg was seized from his possession, is false, prayed for bail.

5. The Learned Government Advocate (Crl. Side) appearing for the



respondent police, opposing the bail petition has filed a counter affidavit, which suggests that no contraband was seized from A15, however, the role played by him is that he was the main drug dealer who had gone to Delhi to supply contraband to A8, A13 and A14. The counter further states one previous case against A15 for possession of 18 kgs of Methamphetamine in Cr.No.1176 of 2024, which is under investigation.

6. As regards the petitioner in Crl.OP.No.3542 of 2025/A8, it is the case of the prosecution that 1 kg of Methamphetamine was seized from his possession, which is a commercial quantity. The petitioner has not satisfied the twin conditions under Section 37 of the NDPS Act and hence, this Court is not inclined to grant bail to the petitioner. **Accordingly, the Criminal Original Petition in Crl.OP.No.3542 of 2025, stands dismissed.**

7. However, as regards the petitioner in Crl.OP.No.32338 of 2024/A15, there is no other material apart from the confession to connect him with the other accused. No contraband is seized from him. Though he is an accused in Cr.No.1176 of 2024, it is admitted by the prosecution that even in that case, he was implicated by the prosecution on the confession of the co-accused. Hence, this Court is of the view that the petitioner/A15 has satisfied



the twin conditions under Section 37 of the NDPS Act and the petitioner may be released on bail with certain conditions.

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8. Accordingly, the petitioner in Crl.OP.No.32338 of 2024/A15, is ordered to be released on bail on his 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 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 petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner 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 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]*;

[f] If the accused thereafter absconds, a fresh FIR can be



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registered under Section 269 B.N.S.

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SUNDER MOHAN, J.

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- To
1. The V Metropolitan Magistrate, Egmore,
Chennai.
 2. The Inspector of Police
K8 Arumbakkam Police Station,
Chennai.
 3. The Superintendent of Prisons,
Central Prison, Puzhal, Chennai.
 4. The Public Prosecutor,
High Court, Madras.

Pre-delivery common order in
Crl.O.P.Nos.32338 of 2024 & 3542 of 2025

21.03.2025