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Crl.O.P.No.32625 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.32625 of 2024

Sharuk Basha

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
R-7 KK Nagar Police Station.
(Crime No.219 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.219 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.K.Gunasekaran

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 04.10.2024, seeking bail in Crime No.219 of 2024 registered for the offence under Sections 8(c) read with Section 22(B), 25, 29(1) of NDPS Act now altered into Sections 8(c) read with Sections 22(C), 25, 29(1) of NDPS Act.



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2. The case of the prosecution is that A1 to A5 were travelling in a car and it was intercepted by the respondent police and on search, they found that A1 was found to be in possession of 20 grams of Methamphetamine and A2 was found to be in possession of 30 grams of Methamphetamine and that A2 to A5 were also in constructive possession of Methamphetamine. Hence the case.

3. Learned counsel appearing for the petitioner submitted that there is no seizure from the petitioner and in any case, petitioner is in custody from 04.10.2024 and hence the petitioner may be released on bail.

4. Learned Government Advocate (Crl.Side) reiterated the prosecution case and submitted that there is no previous cases against the petitioner. He further confirms the fact that there is no seizure was made from the petitioner.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.



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6. Considering, the fact that there is no seizure was made from the petitioner and that the rigors of Section 37 of NDPS Act would not be applicable against the petitioner ; period of incarceration; no previous case; and since further custody is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner 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 **Special Judge for NDPS Act at Chennai.**

[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, everyday 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;



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[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 registered under Section 269 B.N.S.

12.02.2025

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To

1. The Special Judge for NDPS Act at Chennai.
2. The Inspector of Police,
R-7 KK Nagar Police Station.
3. The Superintendent,
Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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