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Crl.O.P.No.28674 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2025

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.28674 of 2025

Mr.Gagan Digal

... Petitioner

Vs.

The State of Tamil Nadu,
Rep. By The Inspector of Police,
P.E.W.Periyanaiken Palayam Police Station,
Coimbatore District.
(Crime No.320 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner/Accused on bail in
Crime No.320 of 2025 on the file of the respondent police.

For Petitioner : Mr.T.Balaji

For Respondent : Mr.A.Gopinath,
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 20.09.2025, for the offence punishable under Sections 8(c) r/w
20(b)(ii)(B) of the NDPS Act, 1985, in Crime No.320 of 2025, registered on
the file of the respondent, seeks bail.



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2. The case of the prosecution is that the petitioner along with other accused persons were found in illegal possession of 5.500 kilograms of Ganja. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and has been falsely implicated in this case. He further submitted that the petitioner has been in custody since 20.09.2025 and is willing to abide by any stringent condition that may be imposed by this Court, including furnishing one blood relative and one local surety. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent while opposing the bail to the petitioner reiterated the prosecution case and submitted that the petitioner has no previous antecedents and that the investigation of this case is pending.

5. Heard the learned counsels on either side and perused the materials available on record.



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6. Considering the facts and circumstances of the case, the quantity of contraband involved, the petitioner has no previous antecedents and the period of incarceration undergone by the petitioner, 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.25,000/- (Rupees Twenty Five Thousand Only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Mettupalayam**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of three weeks, and thereafter as and when required for interrogation;

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;



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[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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cda



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Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

- 1.The Judicial Magistrate, Mettupalayam.
- 2.The Inspector of Police,
P.E.W.Periyanaiken Palayam Police Station,
Coimbatore District.
- 3.The Central Prison, Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J.

cda

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