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Crl.OP.No.30881 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2025

CORAM

THE HONOURABLE MR JUSTICE **K.RAJASEKAR**

Crl.O.P.No.30881 of 2025

Johnson

... Petitioner

Vs.

The State rep. By
The Inspector of Police,
H6, R.K.Nagar Police Station,
Chennai.
(Cr.No.335 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in
C.C.No.600 of 2025 on the file of the learned I Additional Special Judge, EC
and NDPS Act, Chennai in Cr.No.335 of 2025 on the file of the respondent
police.

For Petitioner : Mr.R.C.Paul Kanagaraj

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



ORDER

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The petitioner/A2, who was arrested and remanded to judicial custody on 10.07.2025 for the alleged offence under Sections 8(c) r/w 20(b)(ii)(B) and 25 and 29(1) of NDPS Act, 1985 in Cr.No.335 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 10.05.2025 at about 06.30 hours, the defacto complainant namely Tmt. Tharani, Women Sub Inspector of Police, attached to H6 Nagar Police Station, Chennai, received secret information and entered the same in the General Diary, then got permission from the Inspector of Police. The Sub Inspector of Police, along with police parties, went to the scene of occurrence, IOC Railway Yard, Nagar, Chennai. A-6/Mari was possessing a black plastic bag in an Auto bearing Registration number TN 12 D 6343. Upon seeing the police persons, A-6 has started to run away from the scene of occurrence. Immediately the respondent police secured A-6/Mari and found 1.640 kg of ganja. Further based on his



confession, the respondent police arrested the A1 to A4 and remanded them to judicial custody. A5 Mari @ Mariappan is absconding.

3. Learned counsel appearing for the petitioner submitted that the petitioner has been implicated in this case since he is the brother of A2. He further submitted that there is no recovery effected from this petitioner and except the confession statement, no other material is available to implicate him with the seized contraband. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and reported that there are totally 6 accused in this case. They have arrested A1 with contraband i.e., 21 kgs of Ganja. From his information, it was revealed that he used to purchase the contraband from A2 to A6. After arresting them, it was revealed that A2 to A6 used to go to other neighbouring states and bring ganja and supply it



to persons like A1. He further submitted that based on the confession, the petitioner has been implicated and the petitioner is having bad antecedents and he has involved in 14 previous cases, out of which, 4 cases are NDPS Act cases. Hence, he opposed for grant of bail to the petitioner.

5. I have also gone through the FIR and final report and other connected records. It is stated in the final report that this petitioner used to go and purchase the ganja along with other accused and sell the same to others. The statement of A1 reveals that he used to purchase it, however, as far as this contraband is concerned, he purchased it from other accused, not from the petitioner herein. Except the confession statement of the petitioner and co-accused, there is no material evidence produced before this Court or produced along with the final report to show that this petitioner is also actively participated in transporting ganja and he also in possession of ganja and the contraband was seized from A5-Selvam.

6. Considering the above facts, I am of the view that the petitioner satisfies the section 37 of NDPS Act for availing bail . Though four previous



cases of NDPS Act are cited, those cases are NDPS Act act and three among them, the petitioner was acquitted and one previous case is pending, I am inclined 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.20,000/- (Rupees Twenty Thousand only)** with two sureties, each for a like sum to the satisfaction of the *learned I Additional Special Judge, Special Judge for Exclusive Trial of Cases under NDPS Act, Chennai*, 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 at 10.30 a.m for a period of four weeks and thereafter as and when required for interrogation;



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

[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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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 I Additional Special Judge,
Special Judge for Exclusive Trial of Cases
under NDPS Act, Chennai
2. The Inspector of Police,
H6, R.K.Nagar Police Station,
Chennai.

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3. The Central Prison,
Puzhal-II, Chennai.

4. The Public Prosecutor,
High Court of Madras.

K.RAJASEKAR, J.

Vv



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