
(2025) 10 MH CK 0028

Madras HC

Case No: Criminal Original Petition No. 29165 Of 2025

Mohacchen Laskar

APPELLANT

Vs

State

RESPONDENT

Date of Decision: Oct. 27, 2025

Acts Referred:

- Narcotic Drugs And Psychotropic Substances Act, 1985 — Section 8(c), 20(b)(ii)(B)
- Bharatiya Nyaya Sanhita, 2023 — Section 269

Hon'ble Judges: K. Rajasekar, J

Bench: Single Bench

Advocate: S. Vasavi Sridevi, A. Gopinath

Judgement

K. Rajasekar, J

1. The petitioner, who was arrested and remanded to judicial custody on 29.09.2025 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act, 1985 in Crime No.277 of 2025, registered on the file respondent police, seeks bail.
2. The case of the prosecution is that on 28.09.2025 at about 21:15 hours, based on a secret information, the respondent police went to the spot and found that the petitioner was in illegal possession of 1.18 kilograms of ganja for the purpose of sale. Hence, this case.
3. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case and the petitioner is in judicial custody since 29.09.2025; and that the petitioner is ready to abide by any conditions that may be imposed by this Court and sought for 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 stated that the petitioner is hailing from West Bengal and he has no previous antecedents; and that the investigation of this case is pending.
5. 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.
6. 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 No.II, Tirupur 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 learned Judicial Magistrate No.II, Tirupur daily at 10:30 a.m., for a period of three weeks and thereafter, as and when required for interrogation by the respondent police;

[c] 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];

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