
(2025) 12 MAD CK 0027

Madras HC

Case No: Criminal Original Petition No. 32709 Of 2025

Muhammed Mudassir

APPELLANT

Vs

State

RESPONDENT

Date of Decision: Dec. 3, 2025

Acts Referred:

- Narcotic Drugs And Psychotropic Substances Act, 1985-Section 8(c), 20(b)(ii)(B), 22(b), 22(c)
- Bharatiya Nyaya Sanhita, 2023-Section 269

Hon'ble Judges: K. Rajasekar, J

Bench: Single Bench

Advocate: K.Subburaj, A. Gopinath

Judgement

K.Rajasekar, J

1. The petitioner seeks bail in CC.No.291 of 2023 on the file of the Principal Special Judge under EC and NDPS Act Cases, Chennai, in connection with Crime No.45 of 2022 for the offences punishable under Sections 8(c), 20(b) (ii) (B) r/w 22(b) & 22 (c) of NDPS Act 1985. The petitioner has been remanded to custody on 27.03.2022 on execution of NBW issued against him on 28.06.2024.

2.The allegation against the petitioner is that the petitioner was earlier arrested for the possession of Nitrozepom Tablets contraband 38 strips containing 15 each for a total weight of 380 grams and 2.5 kgs of Ganja and subsequently he was released on bail by the order of this Court in Crl.OP No.30538 of 2022 dated 05.01.2023. Thereafter, during the summon stage he was arrested in another case and not able to appear before Court and hence, NBW was issued. Thereafter PT warrant was issued to produce the petitioner and accordingly he was produced before the concerned Court and remanded to judicial custody on 30.01.2025 and from 30.01.2025, the petitioner herein is in judicial custody.

3.The learned counsel for the petitioner submitted that in this case already the petitioner was granted bail and it is not the case of jumped bail. Since he was detained in another case, he was unable to appear before the concerned Court. Hence, the NBW was issued. However, it was subsequently intimated that he was in prison and the PT warrant was also issued and he was immediately remanded. Hence, the learned counsel prayed for the grant of bail to the petitioner.

4.The learned Government Advocate (Crl.Side) for the respondent police reported that the petitioner is having a bad antecedent and totally he is involved in six previous cases. Hence, he opposed for the grant of bail to the petitioner.

5.I have also gone through the orders of this Court and also connected papers, which revealed that during the issuance of NBW, petitioner was in judicial custody and subsequently PT warrant was also issued and he was remanded to judicial custody on 30.01.2025. Considering the above facts, I am inclined to grant bail to the petitioner subject to the following 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 Principal Special Court under EC & NDPS Court, 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 Concerned Court everyday at 10.30 a.m for a period of four 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;

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