

Crl.O.P.No.1148 of 2016

K.KALYANASUNDARAM, J.

The petitioners, who are arrayed as A-1 to A-3, were arrested and remanded to judicial custody on 25.09.2015 for the alleged offences punishable under Sections 8[c] r/w 20[b][ii]C and 29 of NDPS Act, 1985 in Crime No.1368 of 2015 on the file of the respondent police and hence, seek bail.

2.The case of the prosecution is that on secret information when the respondent police has searched the accused, they recovered 21.300kgs of Ganga from them.

3.Learned counsel appearing for the petitioners would submit that the entire contraband was recovered from the first petitioner/ A-1 and there is no recovery from the petitioners 2 and 3 / A-2 and A-3. Learned counsel appearing for the petitioners seek permission of this Court to withdraw the petition as against the first petitioner /A-1 is concerned and he has also made an endorsement to that effect. In view of the submission and endorsement made by the learned counsel for the petitioners, this Criminal Original Petition is dismissed as withdrawn as against the first petitioner / A-1, namely, Thangaiah.

4.Learned Government Advocate [Criminal Side] appearing for the respondent would submit that the first petitioner / A-1 is having 13 previous cases of similar nature and the entire contraband was recovered from him and the petitioners / A-2 and A-3 have conscious possession of the contraband. It is further submitted that the case relates to commercial quantity and as per Section 37 of NDPS Act, there is a bar for granting bail to the accused.

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5.Considering the facts and circumstances of the case, this Court is inclined to grant bail to the petitioners 2 and 3, namely, Balasubramanian and Balaji, with certain conditions.

6.Accordingly, the petitioners 2 and 3 are ordered to be released on bail on their executing a personal bond for a sum of Rs.10,000/- [Rupees Ten Thousand only] with two sureties each for a like sum to the satisfaction of the learned Principal Special Judge, NDPS & E.C., Chennai and on further condition that the petitioners 2 and 3 shall report before the respondent police twice a day i.e. at 10.00a.m. and 5.00p.m. until further orders.

26.02.2016

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