

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.5323 of 2021

Sravan Preetham

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
NIBCID,
Chennai,
(FIR No.80 of 2021 in
Crime No.02 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in FIR No.80 of 2021 in Crime No.02 of 2021 pending investigation on the file of the Respondent.

For Petitioner : Mr.A.Manojkumar

For Respondent : Mrs.M.Prabhavathi
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 19.01.2021 for the offence punishable under Section 8(c) r/w 20(b)(ii)(B) & 29(1) of NDPS Act, in FIR No.80 of 2021 in Crime No.02 of 2021, seeks bail.

2. The case of the prosecution is that on a secret information, when the respondent police intercepted the petitioner, they found that he was found in possession of 1.200 kg of Ganja illegally, and the same was seized by the respondent police. Hence, a criminal case has been registered against him and he was arrested and remanded to judicial custody on 19.01.2021. Now, seeking bail, the present petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the petitioner is a college student and he is an innocent person and he has been falsely implicated in this case. Even as per the prosecution, the petitioner was found in possession of 1.200 kg of Ganja, illegally, which was seized by the respondent police and they have not followed the procedures contemplated under the Act. That apart, it is only intermediate quantity. He would further submit that A1 had already been arrested and thereafter he was released on bail. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that totally, there are three accused and the petitioner is arrayed as A2. She would further submit that the petitioner was found in possession of 1.200 kg of Ganja illegally and after following the procedures thoroughly, the respondent police had seized the contraband. She would further submit that now the investigation is almost completed. However, she opposed to grant bail to the petitioner.

5. Taking into consideration of the fact that, the petitioner was found in illegal possession of 1.200 kg of Ganja, which is an in between quantity, it is stated that similar placed accused viz., A1 had already been released on bail, the investigation is almost completed and also considering the period of incarceration suffered by the petitioner for more than two months, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a 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 Principal Special Judge cum Principal Special Court under EC & NDPS Act, Chennai, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner, on his release from prison, shall report before the respondent police daily at 10.30 a.m. until further orders;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the 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)AIR SCW 5560];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
25/03/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL SPECIAL JUDGE CUM
PRINCIPAL SPECIAL COURT UNDER EC & NDPS ACT,
CHENNAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR POLICE,
NIBCID, CHENNAI.

+1CC to M/S.A.MANOJKUMAR Advocate on payment of necessary charges SR NO.4049

CRL OP.5323/2021

Date :25/03/2021

MK:26/03/2021

<https://hcservices.ecourts.gov.in/hcservices/>