

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.6696 of 2021

Viveganandan

... Petitioner

Vs.

State rep. by
Intelligence Officer of Customs,
Air Cargo, Intelligence Unit ACC,
Chennai - 600 027.
RR No.03 of 2021.

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioner on bail in RR No.03 of 2021 on the file of the respondent police.

For Petitioner : Mr.A.Gokulakrishnan

For Respondent : Mr.N.P.Kumar
Special Public Prosecutor
DRI Cases

O R D E R

The petitioner who was arrested on 05.02.2021 for the offence under Sections 9A r/w 25A, 28 and 29 of NDPS Act, 1985 in RR No.03 of 2021 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the petitioner is alleged to have been involved in smuggling 24.5 Kgs of pseudophedrine, which is a banned substance.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and that he has been falsely implicated in the case. The learned counsel, on instructions, would further submit that the petitioner, without prejudice to his rights, is ready to deposit the amount that is to be imposed by this Court.

4.The learned Additional Public Prosecutor submitted that there is no previous case pending as against the petitioner.

5.Considering the period of incarceration undergone by the petitioner and the fact that there is no previous case pending as against the petitioner, I am inclined to grant bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Principal Special Court for NDPS Act Cases at Chennai and on further condition that:

(a) the petitioner shall make a non-refundable deposit of a sum of Rs.50,000/- (Rupees Fifty Thousand Only) through demand draft drawn in favour of the Dean, Rajiv Gandhi Government General Hospital, GH Post Office, 3, Poonamallee High Road, Near Chennai Central, Near Park Town, Chennai - 600 003, to enable the Dean to use the aforesaid amount for the purpose of treating the COVID-19 patients. The challan/ receipt of such payment shall be produced at the time of executing the bond.

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioner shall report before the learned Principal Special Court for NDPS Act Cases at Chennai, daily at 10.30 a.m. till the completion of the trial in connection with RR No.03 of 2021;

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

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

(f)on breach of any of the aforesaid conditions, the learned 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]; and;

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

-sd/-

26/04/2021

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 COURT
FOR NDPS ACT CASES AT CHENNAI

2 INTELLIGENCE OFFICER OF CUSTOMERS,
AIR CARGO, INTELLIGENCE UNIT ACC, CHENNAI

3 THE SPECIAL PUBLIC PROSECUTOR FOR DRI CASES,
HIGH COURT, MADRAS.

4 THE DEAN, RAJIV GANDHI
GOVERNMENT HOSPITAL, GH POST OFFICER,
3, POONAMALLEE HIGH ROAD, NEAR CHENNAI CENTRAL,
NEAR PART TOWN, CHENNAI- 600 003.

5 THE OFFICER INCHARGE,
SUB PRISON, SAIDAPET, CHENNAI

CC to M/S. A.SELVENDRN Advocate on payment of necessary charges Sr.5286

CRL OP.6696/2021

Date :26/04/2021

RVR 26/04/2021

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