



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Cr1.O.P.No.13036 of 2021

Amjath

... Petitioner

Vs.

State represented by
The Inspector of Police,
F3 - Arambakkam Police Station,
Chennai.
Crime No.79 of 2021.

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C.,
praying to enlarge the petitioner on bail in connection with Crime
No.79 of 2021 on the file of the respondent.

For Petitioner : Mr.P.Siva Pradosh

For Respondent : Mr.A.Gopinath
Government Advocate(Cr1. Side)

ORDER

The petitioner, who was arrested on 20.04.2021 and remanded to judicial custody for the offences under Section 8(c), 20(b)(ii)(c) and 29(1) Narcotic Drugs Psychotropic Substances Act 1985 in Cr.No.79 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 4 kgs of Ganja and the same was seized by the respondent Police. Therefore, he was arrested and remanded to judicial custody.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and further that he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that this Court had already granted bail for the co-accused in Cr1.O.P.No.12395 of 2021 on 20.07.2021. Hence prays for grant of bail.



4. The learned Government Advocate (Crl.Side) submitted that there is no previous case pending against the petitioner and the investigation is pending. However he opposed for grant of bail to the petitioner.

WEB COPY

5. Considering the facts that the recovered contraband from the petitioner is not a commercial quantity and the period of incarceration suffered by the petitioner and there is no previous case pending against him and this Court had already granted bail for the co-accused in Crl.O.P.No.12395 of 2021 on 20.07.2021., this Court is inclined to grant bail to the petitioner subject to the following conditions:

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 **Principal Special Court under EC and NDPS, Chennai**, and on further condition that:

(a) 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;

(b) the petitioner is directed to appear before the respondent police daily morning at 10.30 am until further orders.

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

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

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;

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

-sd/-
28/07/2021

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.



1 THE PRINCIPAL SPECIAL COURT,
UNDER EC AND NDPS, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
F-3, ARAMBAKKAM POLICE STATION,
CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

+1 CC to M/S.S.P.SIVA PRADOSH Advocate on payment of necessary
charges SR.NO.7833

CRL OP.13036/2021

Date :28/07/2021

TA-29/07/2021