



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.3851 of 2022

Jakir

... Petitioner

Vs.

The State Rep by:
The Inspector of Police,
NIB CID, Chennai.
(Crime No.109 of 2019)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in C.C.No.41 of 2020 on the file of the Principal Special Judge, NDPS Act, Chennai.

For Petitioner : Mr.T.S.Sasikumar

For Respondent : Mr.L.Baskaran
Government Advocate (Crl side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 04.11.2019 for the offences under Sections 8 (c) read with 20(b) (ii)(C), 29(1) of NDPS Act, in C.C.No.41 of 2020 on the file of the Principal Special Judge, NDPS Act, Chennai.

2. The case of the prosecution is that based on the secret information, respondent police found the petitioner along with other accused an illegal possession of 24 Kgs of Ganja. Hence the complaint.

3. The learned counsel for the petitioner would submits that the petitioner is an innocent person he is no way connected in this case and he has been falsely implicated in this case. He further submitted that no previous case pending against the petitioner and he has been suffering incarceration for more than two years. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor raised strong objection stating that the petitioner found an illegal possession of 24 kgs of Ganja. He further submitted that there is no previous case as pending against the petitioner and investigation almost completed.



5. Considering the facts and circumstances of the case and also the submissions made by both counsel and the investigation was almost completed and no previous case pending against the petitioner, this Court is inclined to grant bail to the petitioner with conditions.

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(a) the petitioner is ordered to be released on bail on executing 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 learned Principal Special Judge NDPS Act, Chennai.

(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 appear before the trial Court daily at 10.30 a.m., until further orders;

(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/-

03/03/2022

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
NDPS ACT, CHENNAI

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI



3 INSPECTOR OF POLICE
NIB, CIB, CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.T.S.SASIKUMAR
charges Sr.3250

Advocate on payment of necessary

CRL OP.3851/2022

Date :03/03/2022

RVR 03/03/2022