



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.3075 of 2022

Bavan Kumar

...Petitioner/A12

Vs.

The Inspector of Police
D-4 Padalam Police Station,
Chengalpet District
Transferred to NIB CID
Kancheepuram,
Kancheepuram District
(Crime No.534 of 2021)

... Respondent

PRAYER:

Criminal Original Petition has been filed under Section 439 of Criminal Procedure Code, 1973 praying to enlarge the petitioner on bail in Crime No.534 of 2021 on the file of the respondent police, NIB CID, Kanchipuram.

For Petitioner : Mr.T.S.Sasikumar

For Respondent : Ms.G.V.Kasthuri
Additional 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 28.08.2021 for the offences under Sections 8(c) r/w 20(b) (ii) (C), 25 of NDPS Act in Crime No.534 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused persons were found in illegal possession of 61.400 kgs of ganja. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that through this petitioner nothing recovered by the respondent police. It is his specific



submission that the petitioner is in judicial custody from 28.08.2021 onwards. Hence, he prays for bail to the petitioner.

4. M/s.G.V.Kasthuri, learned Additional Public Prosecutor appearing for the respondent police, by filing counter raised objection stating that the contraband which was possessed by the petitioner and others are commercial in nature and therefore, if this type of petitioner is released, he may try to tamper the witness and hamper the investigation.

5. The submissions made by the learned Counsel on either side are considered.

6. The petitioner is arrayed as A12. It seems that the contraband was seized from A1 to A3 alone and not from this petitioner. Further, co-accused already granted bail by this Court. Considering the fact that based on the confession statement given by other accused, the petitioner was arrested and also considering the period of incarceration suffered by the petitioner and he has no previous case and also the investigation is completed, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) the petitioner is ordered to be released on bail to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Principal Special Judge for NDPS Act Cases at Chennai

(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 shall report before the respondent police 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) 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];

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



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

-sd/-
16/02/2022

WEB COPY

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
FOR NDPS ACT CASES,
CHENNAI.

2 INSPECTOR OF POLICE
D-4, PADALAM POLICE STATION,
CHENGALPET DISTRICT.

3 THE DEPUTY SUPERINTENDENT OF POLICE,
NIB CID POLICE, KANCHEEPURAM,
KANCHEEPURAM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAI, CHENNAI.

5 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S.T.S.SASIKUMAR Advocate on payment of necessary
charges SR.NO.2416

CRL OP.3075/2022

Date :16/02/2022

INBA~17/02/2022