



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Eighth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.3522 of 2022

NANDHAKUMAR

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
ANNADHANAPATY POLICE STATION,
SALEM CITY.
(CRIME NO.1029 OF 2021)

[RESPONDENT]

For Petitioner : M/S.M.SUBASH Advocate

For Respondent : M/S.G.V.KASTHURI, Additional public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner herein was arrested on 17.12.2021 along with another accused for alleged possession of 1.5 Kgs of Ganja for the offences under Sections 8(c), r/w 20 (b) (ii) (B) of NDPS Act in Crime No.1029 of 2021.

2. The learned Additional Public Prosecutor says that the chemical analysis report is awaited and therefore bail should not be granted to the petitioner herein from whom the alleged contraband was seized.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any such offences as alleged by the prosecution. He further submitted that he has been falsely implicated in this case. Hence he prays for bail and he is ready to abide any conditions imposed by this Court.



4. Submissions made by the counsel on either side are considered.

5. In view of the above submissions and the quantum of alleged contraband seized from the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall 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 Special Court for EC & NDPS Act cases. Salem;

(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 is directed to appear 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.

-sd/-
28/02/2022

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 SPECIAL COURT FOR EC
& NDPS ACT CASES, SALEM.

2 THE INSPECTOR OF POLICE,
ANNADHANAPATY POLICE STATION,
SALEM CITY.

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.SUBASH Advocate on payment of necessary charges
SR.NO.3018

CRL OP.3522/2022

Date :28/02/2022

JPA 01/03/2022