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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.6640 of 2022

Mahendran

... Petitioner

Vs.

The State rep. by
Inspector of Police,
NIBCID,
Chennai.
(Cr.No.5 of 2020)

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioner on bail, in C.C.No.83 of 2020 pending trial before the Principal Sessions Judge for NDPS Act Cases, Chennai.

For Petitioner : Mr.R.C.Paul Kanagaraj

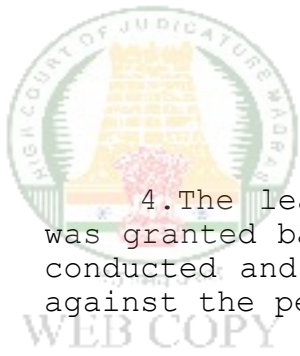
For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 01.02.2020 for the offence under Sections 8(c) r/w 20(b)(ii)(c), 27A and 29 of NDPS Act in Crime No.5 of 2020 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the petitioner along with the other accused was found in possession of 26 Kgs of Ganja. The petitioner is arrayed as A2 in the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. He would further submit that only 4 Kgs. of the contraband is alleged to have been seized from the petitioner. He would further submit that A1 in the case has already been granted bail by this Court in Crl.O.P.No.3450 of 2022 on 25.02.2022.



4.The learned Government Advocate (Crl. Side) submitted that A1 was granted bail by this Court on the ground that purity test was not conducted and would further submit that there is no previous case as against the petitioner.

5.Considering the fact that there is no previous case as against the petitioner and the fact that A1 in the case has already been granted bail by this Court and considering the period of incarceration undergone by 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 Sessions Judge for NDPS Act Cases, 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 shall report before the learned Principal Sessions Judge for NDPS Act Cases, Chennai, once in a week i.e., on every Monday at 10.30 a.m., 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 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;



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

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-sd/-
23/03/2022

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 SESSIONS JUDGE
FOR NDPS ACT CASES, CHENNAI.

2 THE INSPECTOR OF POLICE
NIBCID, CHENNAI.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.R.C.PAUL KANAGARAJ Advocate on payment of necessary charges SR.No.4459

CRL OP.6640/2022

Date :23/03/2022

CSK 24/03/2022