



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2022

WEB COPY

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.8571 of 2022

Angadi Setti Siva

.. Petitioner

Vs.

The State of Tamil Nadu,
Rep. by the Inspector of Police,
F-5 Pathirvedu Police Station,
Thiruvallur District.
(Crime No.44/2021)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to direct the release of petitioner on bail pending trial in C.C.No.130 of 2021 on the file of I Additional Special Court for Exclusive Trial of Cases Under NDPS ACT Chennai.

For Petitioner : Mr.C.K.M.Appaji

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner who was arrested on 04.03.2021 for the offences punishable under Sections **8(c), 20(b)(ii) (C) & 29(1) of Narcotic Drugs & Psychotropic Substances Act, 1985**, in Crime No.44 of 2021, on the file of the respondent police, seeks bail.

2. The petitioner herein alleged to have been found in possession of 20 Kilograms of ganja along with co-accused and was arrested on 04.03.2021, while he was transporting it from Andhra Pradesh to Tamil Nadu near Bommachikulam Tollgate.

3. The learned Additional Public Prosecutor submits that the petitioner was found in possession of 20 kilograms of ganja which is a commercial quantity, since there is evidence to prove the guilt of the petitioner, the embargo under Section 37 of IPC is attracted and hence the bail should not be granted to the petitioner. Furthermore the petitioner hails from Vishakapatnam and if the bail is granted, the risk of abscondence is high. The investigation is completed and the matter is posted for framing of charges.



4. Considering the fact that the alleged contraband was recovered from A1 and this petitioner was accompanying with A1 and the petitioner has already been in prison for more than an year, this Court is inclined to grant bail to the petitioner. 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.1,00,000/- (Rupees One Lakh only)** with two sureties, where one shall be from the local surety and one shall be blood related surety, each for a like sum to the satisfaction of the learned I Additional Special Court for Exclusive Trial of Cases under NDPS ACT 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 is directed to report before the trial Court on every 1st working day of the English Calendar Month and also on all hearing dates;**

(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/-
20/04/2022

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.



1 THE I ADDITIONAL SPECIAL COURT FOR EXCLUSIVE
TRIAL OF CASES UNDER NDPS ACT, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
F-5, PATHIRVEDU POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

+1 CC to M/S C.K.M.APPAJI Advocate on payment of necessary
charges SR.NO.5891

CRL OP.8571/2022

Date :20/04/2022

TA-21/04/2022