

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.11720 of 2022

R.Mangalanathan

.. Petitioner

Vs.

The State of rep. by
The Inspector of Police,
T-15, SRMC Police Station,
Chennai.

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.985 of 2021, on the file of the respondent police.

For Petitioner : Mr.M.Jayakumar

For Respondent : Mr.S.Udaya Kumar
Government Advocate (crl side)

ORDER

The petitioner, who was arrested on 12.12.2021 for the offences punishable under Sections 8(c), 20(b)(ii)(A), 22(c) and 29(1) of the Narcotic Drugs and Psychotropic Substances Act 1985 in Crime No.985 of 2021, on the file of the respondent police, seeks bail.

2. The petitioner herein was arrested on 12.12.2021 for the alleged possession of 9 LSD stamps and 100 grams of ganja. Earlier, when the petitioner moved for bail, this Court holding that the quantity involved in this case falls within the definition of commercial quantity and therefore, dismissed the bail petition.

3.Today, when the second bail petition moved by the petitioner, it is reported that though the petitioner is in prison for more than 180 days, till date, the final report is not yet filed and the statutory period to file final report being 180 days, the petitioner seeks default bail.

4. Taking note of the fact that till date, the final report is not yet filed and the learned Government Advocate says that they are awaiting for the chemical analysis report and taking note of the fact that the petitioner is in prison since 12.12.2021, the petitioner is entitled for statutory bail under section 167 of Cr.P.C. read with 37 of NDPS Act. 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.50,000/- (Rupees Fifty Thousand only)** with two sureties, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Poonamallee;**

(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 Special Court under E.C and NDPS Act, Chennai on every Monday 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/-
13/06/2022

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 JUDICIAL MAGISTRATE,
POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
T-15, SRMC POLICE STATION,
CHENNAI.

5 THE SPECIAL COURT UNDER
E.C. AND NDPS ACT, CHENNAI.

6 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

+1 CC to M/S.M.JAYAKUMAR Advocate on payment of necessary
charges SR.NO.8903

CRL OP.11720/2022

Date :13/06/2022

TA-13/06/2022