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Crl.O.P.No.17781 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.17781 of 2022

A.Ramesh

...Petitioner

Vs.

State rep. by
The Inspector of Police,
H-6 RK Nagar Police Station,
Chennai.
Crime No.155 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.155 of 202 on the
file of the respondent police.

For Petitioner : Mr.N.Nishar Ahamed

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.03.2022 for the offences punishable under Sections 8(c) read with Section 22(c), 29(i) of NDPS Act, 1985 in Crime No. 155 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused were found in possession of 1101 Nitrazepam tablets which contains Nitrazepam, a prohibited psychotropic substance. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that co-accused had been granted bail by this Court. That apart, the petitioner has been suffering incarceration from 24.03.2022. Hence, he prays for bail to the petitioner.



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4. The Learned Additional Public Prosecutor appearing for the respondent would submit that the final report has already been filed before the Special Court for NDPS on 08th June 2022. The Analysis Report indicates that the Nitrazet tablet recovered from the accused persons contains Nitrazepam and the total weight of the tablet seized is 609 grams, which exceeds the limit of 500gm falls under the commercial quantity and the bar under Section 37 of the NDPS Act applies to the facts of the case. The Analysis Report indicates that the tablets on chemical analysis found to contain Nitrazepam which belongs to Benzodiazepine group of drugs and it is a Psychotropic Substance covered under Narcotic Drugs and Psychotropic Substances Act, 1985. Hence, he opposed for grant of bail to the petitioner.

5. Considering the fact that the co-accused had been granted bail and also considering the period of incarceration undergone by the petitioner from the date of arrest ie., from 24.03.2022, this Court is inclined to grant bail to the petitioner



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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**, each for a like sum to the satisfaction of the learned **XV Metropolitan Magistrate, GT Court** and on further conditions 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 appear before the trial Court on first working day of every month until the completion of the trial.

[c] the petitioner shall not abscond either during investigation or trial.

[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 Magistrate/Trial Court is entitled to take appropriate action against the



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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.

29.07.2022

sma

To

1. XV Metropolitan Magistrate,
GT Court.
2. The Inspector of Police,
H-6 RK Nagar Police Station,
Chennai.
3. Central Prison,
Puzhal, Chennai
4. The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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