



Crl.O.P.No.16207 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2022

CORAM

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

Crl.O.P.No.16207 of 2022

Yaseen Milfer

...Petitioner

Vs.

State rep. by
The Inspector of Police,
RK Nagar Police Station,
Chennai.
Crime No.333 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in connection with Crime No.333
of 2022 on the file of the respondent police.

For Petitioner : Mr.A.Viswanathan

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



Crl.O.P.No.16207 of 2022

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ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.06.2022 for the offences punishable under Sections **8(c) and 22(c), 25, 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985** in crime No.333 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 was in possession of 60 grams of METTAPITALIN powder drug. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case and further submitted that the petitioner is studying final year B.Com at New College, Chennai. That apart, the petitioner has been suffering incarceration from 01.06.2022. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that



Crl.O.P.No.16207 of 2022

the alleged quantity is a commercial quantity and it was recovered from A1 and A2. However, he opposed grant of bail to the petitioner.

5. It is seen that totally there are four accused, in which, the petitioner is arrayed as 3rd accused. Even according to the prosecution, the allege contraband were seized from A1 and A2, when the accused persons were standing in ground, after seeing the police personnels, they attempted to flew away but caught held and on search, they were found in possession of 60 grams of METTAPITALIN where as the petitioner was also present in the ground. However, there is no material to show that the petitioner also connect with A1 and A2 and further there is no recovery from the petitioner and he is a student of New College.

6. Therefore, the petitioner have made out a *prima-facie* case to fulfill the conditions as contemplated under Section 37 of NDPS Act and as such considering the above fact that the recovery was made only from A1 and A2 and also considering the period of incarceration undergone by the petitioner from the date of arrest ie., from 01.06.2022,



Crl.O.P.No.16207 of 2022

this Court is inclined to grant bail to the petitioner.

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7. 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 blood related sureties**, each for a like sum to the satisfaction of the learned **XV Metropolitan Magistrate, George Town, Chennai** 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 report before the respondent police twice daily at 10.30 a.m., and 04.30 p.m., until further orders.

[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.



Crl.O.P.No.16207 of 2022

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[e] On breach of any of the aforesaid conditions, the learned 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.

18.07.2022

sma

To

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



Crl.O.P.No.16207 of 2022

G.K.ILANTHIRAIYAN, J.

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Crl.O.P.No.16207 of 2022

18.07.2022