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CrI.OP.No.17458 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2022

CORAM

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

CrI.OP.No.17458 of 2022

Satish alias Manga Satish

...petitioner

Vs.

The State represented by its,
Inspector of Police (L & O),
H-5, New Washermenpet Police,
Chennai.

(Crime No.2126 of 2021)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in C.C.No.100 of 2022 pending trial on the file of the learned Principal Special Judge for EC and NDPS Act cases, at Chennai.

For Petitioner : Mr.G.Prabhakaran

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

ORDER

The petitioner/A1, who was surrendered and remanded to judicial custody on 30.09.2021 for the offences punishable under Sections 8(c), 20(b)(ii)(B) and 22(c) of NDPS Act in crime No.2126 of



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2021 on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that on 30.09.2021, based on the secrete information, the respondent Police went to the place of occurrence and they found that petitioner along with other accused persons were selling Ganja to other persons. On seeing the respondent police, the second and third accused escaped from the spot. When the respondent Police conducted a check up on the first accused/petitioner herein, he was found in possession of 2 Kg Ganja and Nitrovet-10 tablets 84 sheets each containing 15 tablets, totally 1260 tablets which contains total weight of 705 grams. Hence, the case was registered.

3.The learned counsel appearing for the petitioner would submit that a false case has been foisted against the petitioner and except the confession statement, there is no other material to attract the offence. He would also submit that co-accused were released on bail. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the



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respondent submitted that the petitioner was found in possession of 2Kg of Ganja and Nitravet-10 tablets 84 sheets each containing 15 tablets, totally 1260 tablets which contains total weight of 705 grams and it is a commercial quantity. He also submitted that there are ten previous cases pending against the petitioner. Now, the investigation is completed and the trial is pending in C.C.No.100 of 2022 on the file of the learned Principal Court under EC & NDPS Act, Chennai. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of his arrest i.e., 30.09.2021, this Court is inclined to grant bail to the petitioner. 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 Principal Special Judge for EC and NDPS Act cases at 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



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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 5.30 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.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

01.08.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Principal Special Judge for EC and NDPS Act cases
at Chennai.
- 2.The Inspector of Police (L & O),
H-5, New Washermenpet Police,
Chennai.
- 3.Central Prison,
Puzhal.
- 4.The Public Prosecutor,
High Court of Madras

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