



WEB COPY



Crl.O.P.No.18555 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2022

CORAM

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

Crl.O.P.No.18555 of 2022

Rohit

... Petitioner

Vs.

State, Rep. by
The Inspector of Police,
T-15, SRMC Police Station,
Chennai City.
(Crime No.385 of 2022)

... Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail, pending investigation of the case
in the Crime No.385 of 2022 on the file of the Respondent.

For Petitioner	: M/s.R.Hemalatha
For Respondent	: Mr.A.Damodaran, Additional Public Prosecutor

ORDER

The petitioner/A3, who was arrested and remanded to judicial



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custody on 14.06.2022 for the offences punishable under Sections 8(C) r/w 20(b)(ii)(B) @ Sections 8(C), 20(b)(ii)(B), 21(b) of NDPS Act in Crime No.385 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that, based on the secret information, on 14.06.2022, the respondent police official were on vehicle inspection at Gokul Garden Junction, Porur. At that time, they intercepted a two wheeler bearing registration No.TN 60 AX 8646 driven by A3 and A2 sitting on the pillion was found in possession of 2 Kgs of ganja purchased from A1. Hence, the case.

3. The learned counsel appearing for the petitioner submits that there was no recovery from the petitioner/A3. The First Information Report reveals that 2 Kgs of ganja was found and seized from A2 at the time of inspection. Now the respondent police officials says that they have seized 20 grams of ESCTASY and 2 Kgs ganja. There is a contradiction between the First Information Report and the reply filed by the respondent police before the lower Court. She further submitted that the respondent police official have failed to follow the procedures stated



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in Section 50 of NDPS Act. Hence, she prays for grant of bail to the petitioner.

4. Even according to the case of the prosecution, A2 and A3 purchased contraband from A1. A2 was in possession of 2 Kgs of Ganja and A3 while coming to A1 for purchasing the contraband, he was arrested and remanded to judicial custody. After obtaining the information from A2, they recovered 20 gms of ESCTASY tablets from A1. Therefore, A1 is the seller and A2 & A3 are purchasers. A2 was in possession of 2 Kgs of Ganja. A3 was not in possession of any contraband.

5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner i.e., from 14.06.2022, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen thousand only) directly to **Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai** and on such



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deposit 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, Principal Special Court under EC & NDPS Act, 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 deposit a sum of Rs.15,000/-(Rupees Fifteen Thousand only) directly to the **Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai** and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond;

[c] the petitioner shall report before the respondent police twice daily at 10.30.a.m., and 05.30.p.m., for a period of six weeks and thereafter as and when required for interrogation;

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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



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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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

12.08.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Principal Special Judge, Principal Special Court
under EC & NDPS Act, Chennai.
- 2.The Inspector of Police,
T-15, SRMC Police Station,
Chennai City.
- 3.Central Prison,
Puzhal.
- 4.The Public Prosecutor,
High Court of Madras

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