



WEB COPY



CrI.OP.No.19018 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2022

CORAM

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

CrI.OP.No.19018 of 2022

S.Sowbar @ Sowbar Sathik

...Petitioner

Vs.

State, Rep. by,
Inspector of Police,
H-5, New Washermenpet Police Station,
Chennai - 600 081.
Cr. No.283 of 2022

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge him on bail pending in Cr.No. 283 of 2022 before the
Inspector of Police, H-5, New Washermenpet Police Station.

For Petitioner	: Mr.S.Apunu
For Respondent	: Mr.A.Damodaran, Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 20.04.2022 for the offences punishable under **Sections 8(c),
22(b) & 29(1) of NDPS Act 1985** in crime No.283 of 2022 on the file of
the respondent police, seeks bail.



CrI.OP.No.19018 of 2022

WEB COPY

2. The case of the prosecution is that on 11.04.2022 at about 09.15 hours, the respondent police received a secret information about the illegal sales of narcotic substances i.e. Drugs. Immediately the respondent police conducted search at Annai Indhira Gandhi Nagar, near Railway Track and at that time, five persons Viz., Pandurankan/A1, Gopinath Singh/A2, Santhosh Kumar/A3, Balasubramaniyan/A4 and Sowbar @ Sowbar Sathik/A5/petitioner herein where found standing there suspiciously. At that time, the respondent police conducted a check up with them and found that the accused had illegally transported the Drugs injection disposable syringe - 86, Disposable Needles – 94 and Drug tablets i.e., 1) Nitrovet (10 mg) tablet – 15 strips, 315 numbers which contains 179.55 grams, 2) Nitrosun (5 mg) tablet – 10 strips, 100 numbers which contains 55 grams, 3) Nitrosun (10 mg) tablet – 6 strips, 60 numbers which contains 33.60 grams, 4) Tydol (100 mg) tablet – 10 strips, 200 numbers which contains 52 grams and 5) Spasmo Pxyzyvonplus tablet – 8 strips, 528 numbers which contains 327.36 grams. Totally 1203 numbers which contains 647.51 grams, which comes under commercial quantity. Immediately, the respondent police



CrI.OP.No.19018 of 2022

arrested the accused person (A1 to A4) and recorded their confessions statement and seized drugs injection disposable syringe - 86, disposable needles - 94 and Drugs Tablets 1203 Numbers which contains 647.51 grams, 6 cell phones and one Honda Dio bike bearing registration No.TN 13 M 8553 from them under the cover of seizure mahazar in the presence of police witnesses. Based on the above, a case was registered on the file of the respondent police in Crime No.283 of 2022 for the offences under Section 8(C) read with 22(b) and 29(i) of NDPS Act,1985 on 11.04.2022 at 14.00 hrs.

3. Even according to the case of the prosecution, the petitioner is arrayed as A5. He is a friend of A3. Further alleging that they used to sell the drugs purchased from A1 & A2. The petitioner is implicated as an accused only based on the A3's confession statement. Whereas, there is no whisper about the role played by the petitioner in the confession statements of A1 & A2, who are the owners of the medical shops. There is no other evidence to connect the petitioner to implicate him as an accused except the confession statement of A3.



CrI.OP.No.19018 of 2022

4. 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., 20.04.2022, 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 sureties**, each for a like sum to the satisfaction of the **XVth Metropolitan Magistrate Court, 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 5.30 p.m. for a period of four weeks and thereafter as and when required for interrogation.

[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



CrI.OP.No.19018 of 2022

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.

30.08.2022

mpl



WEB COPY



CrI.OP.No.19018 of 2022

G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The XVth Metropolitan Magistrate Court,
George Town, Chennai.
- 2.The Inspector of Police,
H-5, New Washermenpet Police Station,
Chennai - 600 081.
- 3.Central Prison, Puzhal.
- 4.The Public Prosecutor,
High Court of Madras

CrI.O.P.No.19018 of 2022

30.08.2022