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Crl.O.P.No.19825 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2022

CORAM

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

Crl.O.P.No.19825 of 2022

Hameed Aafik

...Petitioner/A4

Vs.

State Rep by.,
The Inspector of Police,
H6 RK Nagar Police Station,
Ennore High Road, R K Nagar,
Old Washermenpet, Chennai – 600 021.

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge this petitioner on bail, for pending Crime No.333 of
2022 at H6 RK Nagar Police Station, Chennai District.

For Petitioner	: Mr.Gokula Rao
For Respondent	: Mr.A.Damodaran, Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 01.06.2022 for the offences punishable under Sections **8(c),
22(c), 25 and 29(1) of the Narcotic Drugs and Psychotropic**



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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. 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 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



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petitioner is arrayed as 4th accused. Even according to the prosecution, the alleged contraband was 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.

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 i.e., from 01.06.2022, this Court is inclined to grant bail to the petitioner.

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**



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only) with **two blood related sureties**, each for a like sum to the satisfaction of the **learned XV Judicial Magistrate at George Town** 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.

[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.

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mpl



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To

- 1.The XV Judicial Magistrate at
George Town.
- 2.The Inspector of Police,
H6 RK Nagar Police Station,
Ennore High Road, R K Nagar,
Old Washermenpet, Chennai – 600 021.
3. Central Prison at
Puzhal, Chennai District.
- 4.The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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