



Crl.OP.No.21829 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2022

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.OP.No.21829 of 2022

Siddique Mohammed @ Mohammed Siddique ... Petitioner

Vs.

The State
Rep by Inspector of Police,
H-6, RK Nagar Police Station,
Chennai.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.333 of 2022 on the file
of the respondent police.

For Petitioner : Mr.N.Nishar Ahamed

For Respondent : Mr.C.E.Pratap,
Government Advocate (crl.side)



WEB COPY



Crl.OP.No.21829 of 2022

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, 29(i) of NDPS Act 1985, in Crime No.333 of 2022 on the file of respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with the other accused was found to be in possession of 60 grams of METTAPITALIN powder drug. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that even as per the prosecution, the entire contraband has been recovered from A1 alone and the A3 and A4, who are similarly placed as that of the petitioner have been granted bail by this Court in Crl.O.P.No.16207 of 2022 dated 18.07.2022 and Crl.O.P.No.19825 of 2022 dated 30.08.2022. He would further submit that the petitioner is ready to abide by any stringent conditions imposed by this Court. Therefore, he prays for grant of bail to the petitioner.



Crl.OP.No.21829 of 2022

WEB COPY

4. The learned Government Advocate (crl.side) appearing for the respondent would submit that the petitioner along with the other accused was found to be in possession of 60 grams of Mettapitalin powder drug and the alleged quantity is a commercial quantity. Hence, he vehemently opposed to grant bail to the petitioner.

5. In reply, learned counsel for the petitioner would submit that at the time of alleged occurrence, the petitioner was standing near by the other accused, other than that there is no material to show that petitioner was connected with A1. He would further submit that though in the earlier order, it is stated that the recovery has been made from A1 and A2, the fact remains that the contraband has been recovered from A1 alone.

6. When this Court enquired the same, learned Government Advocate (crl.side) would submit that the recovery has been made from A1 alone and there is no other material as on today to show that the petitioner has connection with A1.



Crl.OP.No.21829 of 2022

WEB COPY

7. Therefore, the petitioner has made out a *prima facie* case to fulfill the twin conditions as contemplated under Section 37 of NDPS Act and as such considering the above fact that the recovery has been made only from A1 and also considering the period of incarceration undergone by the petitioner from 01.06.2022, this Court is inclined to grant bail to the petitioner with certain conditions.

8. 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 every day at 10.30 a.m., and 4.30 pm., until further orders;**



Crl.OP.No.21829 of 2022

[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.

21.09.2022

shk



WEB COPY



Crl.OP.No.21829 of 2022

A.D.JAGADISH CHANDIRA,J.

shk

To

1. The learned XV Metropolitan Magistrate,
George Town, Chennai.
- 2.The Inspector of Police,
H-6, RK Nagar Police Station,
Chennai.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.21829 of 2022

21.09.2022