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Crl.OP.No.21315 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2022

CORAM

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

Crl.OP.No.21315 of 2022

Abdul Hameed

... Petitioner

Vs.

State by :

The Inspector of Police,
V5 Thirumangalam Police Station,
Chennai.

..Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to grant bail to the petitioner in Crime No.182 of 2022 on the file of
the respondent Police Station.

For Petitioner : Mr.V.G.Guhan Murugan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 29.05.2022 for the offences punishable under Section 8(C), 22(c), 29(1)
and 25 of Narcotic Drugs & Psychotropic Substances Act, 1985 in Crime
No.182 of 2022 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that petitioner/A3 and A2 had indulged in the illegal sale of DOB Stamp Drugs at the Car Park Area in VR Mall. A3 was in possession of six numbers of 1.4 mg of DOB Stamp Drugs and also one REDMI phone and the petitioner was also in possession of six numbers of 1.4 mg of DOB Stamp Drugs and also one REDMI Phone. Thereafter upon investigation, it was found that A1 had sold the contraband to A2 and A3 and also A1 was in possession of 11 numbers of Ganja/HASH and that A1 had sold the Ganja/HASH DOB Stamp Drugs for monetary gain and was selling the contraband using his Honda City car. The respondent police has confiscated 500 grams of the contraband along with an electronic weighing machine and a cell phone from A1. Hence, the case.

3. The learned counsel for the petitioner submitted that there are totally three accused in this case, in which the petitioner is arrayed as A3. Even according to the case of the prosecution, A2 to A3 are retail sellers and they purchased the contraband from A1 and used to sell in the open market near VR Mall. On secret information, the petitioner along with A2 was arrested and was found in possession of 1.4 mg – 6 Nos. of DOB Stamp Drugs and other than that, no other materials have been recovered from him.



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He further submitted that the alleged contraband is not a commercial quantity and the co-accused in this case, who has been similarly placed as that of the petitioner has been granted bail by this Court in Crl.O.P.No.19038 of 2022 dated 07.09.2022. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl.side) appearing for the respondent Police has filed counter and submitted that the petitioner along with other accused had indulged in the illegal sale of DOB Stamp Drugs at the Car Park Area in VR Mall. Based on the confession statement, the petitioner was found in possession of 1.4 mg – 6 Nos. of DOB Stamp Drugs which comes under in between quantity. He admitted that the co-accused who has been similarly placed as that of the petitioner has been granted bail by this Court in Crl.O.P.No.19038 of 2022 on 07.09.2022. Hence, he vehemently opposed for grant of bail to the petitioner.

5.Considering the fact and circumstances of the case and also the period of incarceration of the petitioner from the date of his arrest i.e. 29.05.2022, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner shall deposit a sum of **Rs.25,000/- (Rupees Twenty Five**



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Thousand only), by way of Demand Draft to Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram, and on such deposit the petitioner is ordered to be released on bail on him executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with **two sureties, one among the sureties shall be a blood related surety, each for a like sum to the satisfaction of the **learned XIII Metropolitan Magistrate, Egmore, 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.25,000/-(Rupees Twenty Five Thousand only), by way of Demand Draft to the Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram, 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 5.30 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.



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[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 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.

12.09.2022

vkr

- 1.The XIII Metropolitan Magistrate,
Egmore, Chennai.
- 2.The Inspector of Police,
V5, Thirumangalam Police Station,
Chennai.
- 3.Central Prison at Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras



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vkr

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