



Crl.OP.No.21151 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2022

CORAM

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

Crl.OP.No.21151 of 2022

Rajiv Sharma

... Petitioner

Vs.

State rep by:

The Inspector of Police,

T-8, Guduvancherry Police Station,

Chengalpet District.

(In Crime No.313 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.313 of 2022 pending on
the file of the Inspector of Police, T-8, Guduvancherry Police Station,
Chengalpet District.

For Petitioner : Mr.R.Rajan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.08.2022 for the offences punishable under Sections 8(c), 20(b)(ii)(B) of NDPS Act in Crime No.313 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 intercepted by the respondent police on 01.08.2022 and on search, it was found that one Babu/A1 was found to be in possession of 1.122 kgs of Black Hahish Oil in Aavin named Plastic Bottle, one Mano/A2 was found to be in possession of 100 grams of Ganja. Further, the petitioner/A3 and yet another person were standing near by them.

3. Learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case since he has questioned the arrest of his friend. He would further submit even as per the prosecution, no contraband has been recovered from the petitioner and he has been unnecessarily dragged in this case. Hence, he seeks to enlarge the petitioner on bail.



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4. The respondent has filed a detailed counter.

5. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that 1.122 kgs of Black Hahish Oil has been recovered from A1 and from A2- 100 grams of Ganja has been recovered and as far as the petitioner is concerned, there is no recovery. However, he vehemently opposed to grant bail to the petitioner.

6. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel and also the period of incarceration suffered by the petitioner from 01.08.2022, 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.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Chengalpet** and on further conditions that:



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[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 5.30 pm., 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];**



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

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To

1. The Learned Judicial Magistrate No.II, Chengalpet
- 2.The Inspector of Police,
T-8, Guduvancherry Police Station,
Chengalpet District.
3. The Sub Jail,
Chengalpet.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.

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