



Crl.O.P.No.21625 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2022

CORAM

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

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Barves Ushan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
T-14, Pallikaranai Police Station,
St. Thomas Mount District.
Crime No.779 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to grant bail to the petitioner, concerned in Crime No.779 of 2022,
on the file of the respondent police.

For Petitioner : Mr.P.Siva Muruganantham

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), 22(c), 22(b) and 29(1) of NDPS Act, 1985, in Crime No.779 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 01.08.2022, when the respondent police was in patrol duty, they received a secret information about illegal transport of narcotic substances, after receiving the information, immediately the respondent police had rushed to the play ground, near Viduthalai Nagar bus stand, Kovilambakkam where they found A2/Jegatheeswaran, A3/Rahul @ Methiyu, A1/Siddharth, A4/Udhayan, A5/Aathithya, A6/Parwas Ushen, A7/Rahulkrishna standing suspicious. On search, the respondent found LSD Stamp-2 and Vivo Y33 Mobile Phone from A-2, LSP Stamp 36 & I Phone from A1, LSD Stamp 3 and Infinix Mobile phone from A3, Methamphetamine 2 grams & Vivo Mobile phone from A4, Methamphetamine 2 gram & Vivo V21 Mobile Phone from A-6, LSD Stamp 4, Eastasy Pill Tablet 1 & I Phone 13 Mobile phone from A-5,



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Nitrovit Table -1, Strip (15 Nos's), used Tab Strip 1 & 10 Induction Needle & Samsung Mobile Phone from A-7. Based on the complaint, a case has been registered against the accused in Crime No.779 of 2022 for the offences punishable under Sections 8(c) r/w 22(c), 22(b), 29(1) of NDPS Act 1985.

3. The learned counsel appearing for the petitioner would submit that the petitioner was arrested on 01.08.2022 on the allegation that the petitioner was found in possession of Methamphetamine 2 gram & Vivo V21 Mobile Phone, other than that nothing else has been recovered from the petitioner. He would further submit that the petitioner does not know the other accused and the respondent police taking into consideration the entire contraband recovered from the other accused, has stated that it is a commercial quantity. He would further submit that the petitioner is a labourer and he has no connection whatsoever with the other accused, who have been arrested in this case. He would further state that the petitioner was called for enquiry and when he had gone to the station, he was clubbed with the other accused and a false complaint has been foisted against him. Hence, he seeks for grant of bail to the petitioner.



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4. The respondent has filed a detailed counter. Per contra, the learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner was found to be in possession of Methamphetamine 2 gram & Vivo V21 Mobile Phone and that the contraband from all the accused have been recovered. He would further submit that in the preliminary enquiry, it has been stated that all the accused are friends and known to each other. Therefore, he vehemently opposed to grant bail to the petitioner.

5. At this juncture, learned counsel for the petitioner would submit that the petitioner has no previous case and the respondent police have not filed any materials to suggest that the petitioner knows the other accused and thereby, the quantity alleged to be recovered from him is minimum. He would also submit that the similarly placed accused has been granted bail by this Court in Crl.O.P.No.21582 of 2022 and therefore, the petitioner is entitled for grant of bail.



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6. Heard both the learned counsel and perused the materials available on record.

7. Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsel and also the fact the respondent has not produced any materials as on date to show that there was relationship between the petitioner and the other accused and also taking into consideration of the fact that the quantity recovered from him is only Methamphetamine 2 gram & Vivo V21 Mobile Phone, this Court is of the opinion that the petitioner has *prima facie* satisfied the conditions under Section 37 of the NDPS Act for grant of bail.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with two blood sureties, each for a like sum to the satisfaction of the **learned Judicial Magistrate II, Alandur, 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



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Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police every day at 10.30 a.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 abscond, a fresh FIR can be registered under Section 229A IPC.

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