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Crl.OP.No.21731 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2022

CORAM

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

Crl.OP.No.21731 of 2022

Mano

...Petitioner

Vs.

The Inspector of Police,
T8. Guduvancherry Police Station.

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.313/2022 on the file of the Inspector of Police, T-8, Guduvancherry Police Station.

For Petitioner : M/s.Chenga Law Firm

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.08.2022 for the offences punishable under Sections 8(C) read with 20(b)(ii)(B) of the NDPS Act in Crime No.313 of 2022 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that on 01.08.2022 at about

13.00 hours, Tr.Kabilan, Sub Inspector of Police have received secret information about the illegal transport of dry ganja and entered the same in the General Diary. Then, the Sub Inspector of Police along with the Police team went to the scene of occurrence i.e, Urapakkam, Priya Nagar nearby Five eyes Bridge, at that time, the accused persons came to the said place, on seeing police, the accused persons tried to escape from that place. Immediately the police caught hold of the accused persons and during enquiry, it came to light that the accused persons are namely Babu/A1, Mano/A2/petitioner herein, Rajiv Sharma/A3 and Abhiya Christopher/A4. The Sub Inspector of Police informed the accused persons as per Section 50 of NDPS Act and during search, the accused were found in possession of 1.122 Kg of HASHISH Oil in a plastic container for the purpose of selling and they were seized under the cover of seizure mahazar in the presence of police witnesses. The contraband was seized from A1 and A2/petitioner herein was found in possession of 100 grams of Ganja and they were also seized under the cover of seizure mahazar in the presence of witnesses. Immediately, the Sub Inspector of Police have arrested the above said accused A1 to A4 and recorded their



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confession statements and registered the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case and he doesn't have any relationship with A1 and other accused. He would further submit that, one Abhiya Christopher was taken into illegal custody on 31.07.2022 and he was kept under detention and when his parents have also sent a complaint to the Commissioner of Police, this Court doubting the registration of this case, had granted bail to the co-accused. He would further submit that the entire case of the prosecution is doubtful and that no material has been placed by the respondent police to state that there is a connection between A1 and the petitioner.

4. The respondent has filed a detailed counter.

5. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner is the friend of A1. The petitioner along with 3 other accused were intercepted and during the



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search, A1 was found to be in possession of 1.122 Kgs of HASHISH Oil in a plastic container and the petitioner was found in possession of 100 grams of ganja. He would fairly submit that, other than the confession statement of A1, there is no other material as on date to suggest that they were having relationship with each other.

6. Heard the learned counsels. Perused the counter filed by the learned Government Advocate (Crl.side) appearing for the respondent.

7. Taking into consideration the facts and submissions and also the fact that this Court has granted bail to the co-accused in Crl.O.P.No.21601 of 2022 dated 14.09.2022 doubting his implication in this case, this Court is of the opinion that the petitioner had satisfied the requirements of the twins conditions under Section 37 of NDPS Act and thereby entitled to bail.



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8. 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** (out of which, one surety should be either the father or mother of the petitioner), each for a like sum to the satisfaction of **Judicial Magistrate Court-II, Chengalpattu**, 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 everyday at 10.30 a.m. and 5.30 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



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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.

20.09.2022

mpl



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A.D.JAGADISH CHANDIRA, J.

mpl

To

- 1.The Judicial Magistrate Court-II,
Chengalpattu.
- 2.The Inspector of Police,
T8. Guduvancherry Police Station.
- 3.Sub-Jail, Chengalpattu.
- 4.The Public Prosecutor,
High Court of Madras

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