



Crl.O.P.No.22456 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.22456 of 2022

Ajay

..Petitioner

Vs.

Union of India,
Through Jr.Intelligence Officer,
Narcotics Control Bureau,
Chennai Zonal Unit, Chennai.

..Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in R.R.No.06 of 2022 in NCB
F.No.48/1/02/2022-NCB/MDS on the file of the respondent Police.

For Petitioner : Mr.S.Karthikeyan
for T.Dharani

For Respondent : Mr.N.P.Kumar
Special Public Prosecutor



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Crl.O.P.No.22456 of 2022

ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.02.2022 for the offences punishable under Sections 8(c) and 22(C) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 as amended and punishable under Sections 8(c) r/w 22(c) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 in R.R.No.06 of 2022 in NCB F.No.48/1/02/2022-NCB/MDS, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 07.02.2022, the petitioner and other accused involved in illegal transportation of 11 kgs of white colored crystalline substance viz., Ampetamine at NH-16, Gummudipoondi, Tamil Nadu. Hence the complaint.

3. The learned counsel for the petitioner submitted that false case has been foisted as against the petitioner and on the date of alleged occurrence viz., on 07.02.2022, he got married at Ariyalur. Even according to the case of the prosecution, no narcotic substances was recovered from



Crl.O.P.No.22456 of 2022

the petitioner. He further submitted that only on the confession statement of the first accused, the petitioner has been implicated as an accused in this case. He would further submit that this is the second bail petition filed by the petitioner. Earlier petition filed by the petitioner was dismissed on 06.06.2022 in Crl.O.P.No.11420 of 2022. On instructions, he would further submit that the petitioner is ready to deposit an amount of Rs.50,000/- to the **Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram**. Hence, he prays to grant bail to the petitioner.

4. The learned Special Public Prosecutor filed counter and submitted that the petitioner is the main accused and the case is under investigation. If the petitioner is released on bail, he would tamper the witnesses and hamper the evidence. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen from the counter and it revealed that on special information, the respondent seized 11 Kgs of white colored crystalline



Crl.O.P.No.22456 of 2022

substance believed to be Amphetamine at NH-16, Gummudipoondi, Tamil Nadu, from the possession of one Sivanantham, from a truck bearing registration No.TN18 AD 1478 coming from Guwahati. The preliminary enquiry was made and it revealed that they are in Ariyalur, Tamilnadu for the petitioner's marriage and the other accused person who mediated the purchase transaction of Methamphetamine on commission. In fact, the petitioner also admitted in his statement that he involved in the illegal traffic of 11 Kg of White coloured crystalline power believed to be Amphetamine. He further admitted that he proceeded in a truck from Chennai to Gwahati for collection of the seized contraband as per the direction of the first accused and waited at Gwahati for collection of drugs, who was to arrange the seized contraband from Moreh, Manipur to Gwahati. Due to police checking, the said contraband was not reached timely in Gwahati in due time.

6. Further, the petitioner was staying with the first accused in his house for the past three years and he is the subordinate of all illegal works and transport business done by the first accused. Further the first accused



Crl.O.P.No.22456 of 2022

WEB COPY

purchased some vehicles in the petitioner's name for illegal trafficking, procurement and transportation of the seized contraband. Except the confession statement of the first accused, there are materials to attract the offence as against the petitioner herein. However, admittedly, the petitioner was not in possession of the contraband. The contraband was recovered from other accused persons. Therefore, there is a *prima facie* case made out to satisfy the conditions as contemplated under Section 37 of NDPS Act.

7. Considering the above facts and circumstances of the case and the submissions made by the learned counsels and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.50,000/-(Rupees Fifty Thousand only), by way of Demand Draft to the **Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram** and also taking note of the fact that the petitioner is in judicial custody from 09.02.2022, this Court is inclined to grant bail to the petitioner.



Crl.O.P.No.22456 of 2022

8. Accordingly, the petitioner shall deposit a sum of Rs.50,000/-

(Rupees Fifty Thousand only), by way of Demand Draft to the **Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram** and on such deposit, 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 Special Court and Session Judge, for NDPS Act Case, 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.50,000/-(Rupees Fifty 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 daily at 10.30 a.m., and 05.30 p.m until further orders.

[d] the petitioner shall not abscond either during investigation or trial.



Crl.O.P.No.22456 of 2022

WEB COPY

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[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.

19.09.2022

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Crl.O.P.No.22456 of 2022

G.K.ILANTHIRAIYAN, J.

mn

To

- 1.The Special Court and Session Judge, for NDPS Act Case, Chennai
- 2.Union of India,
Through Jr.Intelligence Officer,
Narcotics Control Bureau,
Chennai Zonal Unit, Chennai.
- 3.The Central Prison, Puzhal.
Chennai.
- 4.The Public Prosecutor,
High Court of Madras

Crl.O.P.No.22456 of 2022

19.09.2022