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Crl.OP.No.22391 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2022

CORAM

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

Crl.OP.No.22391 of 2022

Vikki @ Vigneshkumar

...Petitioner

Vs.

State rep. By,
The Inspector of Police,
Attaiyampatty Police Station,
Salem - 637501.
(Crime No.194 of 2022).

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.194 of 2022
pending investigation on the file of the respondent police.

For Petitioner :Mr.T.Dhasarathan

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

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 09.08.2022 for the offences punishable under Sections **8(c)**



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read with 22(b), 25 and 29(1) of the NDPS Act in Crime No.194 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioner along with two other accused was found in possession of 3.53 mg of Methamphetamine.

3. The learned counsel appearing for the petitioner would submit that the petitioner was arrested on suspicion and other than that, he has nothing to do with the alleged offence. He would further submit that, taking into consideration the case of the respondent, only from A1 the contraband has been recovered. As far as the petitioner/A3 and A2 are concerned, no recovery was made from them. He would further submit that the petitioner is a student aged about 22 years studying in a private Medical College at Salem and he is custody from 09.08.2022. Hence, he prays for grant of bail to the petitioner.

4. The respondent has filed a detailed counter.



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5. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner along with two other accused was found in possession of 3.53 mg of Methamphetamine. Hence, he vehemently opposed to grant bail to the petitioner.

6. Taking into consideration the facts and submission and that there is no recovery from the petitioner and even taking into consideration the entire contraband, 3.53 mg of Methamphetamine is a minimum quantity, 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** (out of which, one surety should be either the father or mother of the petitioner), each for a like sum to the satisfaction of the **learned Special Judge, for EC / NDPS Act Cases, at Salem** 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.



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[b] the petitioner shall report before the respondent everyday 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 absconds, a fresh FIR can be registered under Section 229A IPC.

26.09.2022

mpl



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A.D.JAGADISH CHANDIRA, J.

mpl

To

- 1.The Special Judge, for EC / NDPS Act Cases,
at Salem.
- 2.The Inspector of Police,
Attaiyampatty Police Station,
Salem - 637501.
- 3.Central Prison at Salem.
- 4.The Public Prosecutor,
High Court of Madras

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