



Crl.OP.No.22712 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2022

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

Crl.OP.No.22712 of 2022

Rahul [Mathew]

... Petitioner

Vs.

State rep by its
The Inspector of Police,
T-14, Pallikaranai Police Station,
Chennai - 600 100.

(Crime No.779 of 2022)

... Respondent

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

For Petitioner : Mr.K.Kannan

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 02.08.2022 for the offences punishable under Sections 8(c) r/w 22(c), 22(b), 29(1) of NDPS Act 1985, in Crime No.779 of 2022 on the file of respondent police, seeks bail.

2. The case of the prosecution is that on 01.08.2022, when the respondent police were 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, they 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,



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LSD Stamp 4, Eastasy Pill Tablet 1 & I Phone 13 Mobile phone from A-5, 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 02.08.2022 and the allegation that the petitioner was found in possession of LSD Stamp -3 and Infinix 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 as it is a commercial quantity. He would further submit that the petitioner is a student, studying Diploma in Lab Technology - (VIT) in Vetri Vocational Training College, Chennai and he has no bad antecedents. Hence, he seeks for grant of bail to the petitioner.



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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 the petitioner is arrayed as A3 in this case. He would further submit that the petitioner was found to be in possession of LSD Stamp -3 and Infinix mobile phone. 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. However, he vehemently opposed to grant bail to the petitioner.

6. 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 co-accused has been granted with bail by this Court in Crl.O.P.No.21582 of 2022 dated 19.09.2022 and entitled for grant of bail.



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7. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

8. 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 to show that there was relationship between the petitioner and the other accused and also taking into consideration of the fact that the petitioner is aged about 20 years and he is pursuing his Diploma in Lab Technology - (VIT) in Vetri Vocational Training College, Chennai and that the quantity recovered from him is only a LSD Stamp -3 and Infinix mobile phone, this Court is of the opinion that the petitioner has prima facie satisfied that the conditions under Section 37 of the NDPS Act for grant of bail.

9. 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)**



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with two sureties (out of which one surety should be either father or mother of the petitioner), each for a like sum to the satisfaction of the **learned**

Judicial Magistrate-II Alandur 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 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]**;



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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-II,
Alandur.
2. The Inspector of Police,
T-14, Pallikaranai Police Station,
Chennai.
3. The Sub Jail,
Saidapet.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.

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