



Crl.O.P.No.23324 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2022

CORAM

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

Crl.O.P.No.23324 of 2022

Basanth Chattra

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Jolarpet Railway Police Station,
Tirupattur District.
(Crime No.36 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.36 of 2022, pending
investigation on the file of the respondent Police.

For Petitioner : Mr.C.Deepak Kumar

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 02.04.2022, for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) & 20(b)(ii)(C) of NDPS Act, in Crime No.36 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 02.04.2022, on receipt of a secret information, when the respondent police conducted a search, the petitioner was found in possession of 10 Kgs of Ganja. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would also submit that the petitioner was arrested on 02.04.2022 and he is in custody for more than 180 days. He would also submit that the respondent has completed the investigation and the final report has also been filed. Therefore, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner, who is a resident of Orissa was found in possession of 10 Kgs of Ganja. He would also submit that if bail is granted to the petitioner, there is every chances of him absconding and causing delay in the trial. Hence, he vehemently opposed to grant bail to the petitioner.

5. At this juncture, learned counsel appearing for the petitioner would submit that the petitioner is ready to furnish one blood surety and another local surety. He would also submit that the petitioner is prepared to abide by any stringent conditions that may be imposed on him. Therefore, he prays for grant of bail to the petitioner.

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

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and also the period of



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incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

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)** each with **two sureties (one surety should be a blood related surety and another surety should be a local surety)** each for a like sum to the satisfaction of the **learned Special Court for EC/NDPS Act Cases, 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;

[b] the petitioner shall furnish proof of permanent residence;

[c] the petitioner shall appear before the learned Special Court for EC/NDPS Act Cases, Salem, on all working days at 10.30 a.m., until further orders;

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

[e] the petitioner shall not tamper with evidence



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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 abscond, a fresh FIR can be registered under Section 229A IPC.

11.10.2022

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To

1. The Special Court for EC/NDPS Act Cases,

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- Salem.
2. The Inspector of Police,
Jolarpet Railway Police Station,
Tirupattur District.
 3. The Central Prison,
Salem.
 4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA., J.

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