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CrI.O.P.No.24030 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2022

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

CrI.O.P.No.24030 of 2022

S.Sanjay Kumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
NIB-CID,
Chennai.

(Crime No.37/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in connection with the Crime No.37
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.Apunu

For Respondent : Mr.C.E.Pratap
Government Advocate (CrI.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.07.2022 for the offences punishable under Sections 8(c), 22(c), 22(b) & 29(1) Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.37 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 19.07.2022 at about 07.30hours, on receipt of a secret information about illegal transportation of Psychotropic substances by three suspected persons near JAVA Bike Show Room, OMR Salai, Chennai, the Inspector of Police after observing all the legal and mandatory provisions under NDPS Act searched the accused and found that they were in possession of 10 Grams of Methamphetamine, 11 Nos. of LSD Stamps (0.15 grams) , 20 Nos. of LSD Stamps (0.25 grams) and 16 LSD Stamps (0.19 grams) and the respondent have seized the contraband, arrested the accused and registered a case in Crime No.37 of 2022 under Sections 8(c) 22(c), 22(b) & 29(1) of NDPS Act. Hence the case.



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3. The learned counsel appearing for the petitioner submitted that the petitioner, aged about 23 years, who is a B.Com graduate working in a BPO company, is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner was lifted from a coffee shop on 18.07.2022 at 07.40 pm, but, as per the prosecution, he was alleged to be arrested on 19.07.2022. He also stated that there are materials to show that the petitioner was secured by the respondent Police on the previous day itself and later some contraband was fixed on him. He further submitted that as per the prosecution, it is alleged that about 10 Grams of Methamphetamine and 11 Nos. of LSD Stamps (0.15 grams) were recovered from the petitioner and it was sent to lab. He further stated that the lab report reveals that the alleged stamps recovered from the petitioner did not detect any Lysergide or any other Narcotic drug/Psychotropic substance and the contrabands fall within the intermediate quantity. He also stated that till date, no material has been produced by the respondent to show that the petitioner was having any association with other two accused, from whom the alleged contraband of commercial quantity is stated to be recovered. He further stated that the petitioner has no bad antecedents and he is in custody from 19.07.2022, hence he prayed to grant of bail to the petitioner.



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4. The respondent has filed a detailed counter in this case.

5. The Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner along with two other accused were found to be in illegal possession of 10 Grams of Methamphetamine, 11 Nos. of LSD Stamps (0.15 grams) , 20 Nos. of LSD Stamps (0.25 grams) and 16 LSD Stamps (0.19 grams). He further submitted that the alleged contraband recovered from the present petitioner is about 10 Grams of Methamphetamine, 11 Nos. of LSD Stamps (0.15 grams). He fairly submitted that as per the lab report from the samples collected from him, it does not reveal any Lysergide or any other Narcotic drug/Psychotropic substance, however, he opposed to grant 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 including the Forensic Examination Report.



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7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and taking note of the fact that from the alleged contraband recovered, the stamps said to have been recovered from the petitioner, did not detect any Lysergide or any other Narcotic drug/Psychotropic substance and that 10 grams of Methamphetamine is also not a commercial quantity, the petitioner has satisfied the condition under Section 37 of the NDPS Act for grant of bail and also considering the period of incarceration undergone 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.50,000/- (Rupees Fifty thousand only)** with **two sureties** (out of which, one surety should be either father or mother of the petitioner and should produce document to show his/her means), each for a like sum to the satisfaction of the **learned Judicial Magistrate - II, Alandur, Chennai**, and on further conditions that:

[a] the sureties shall affix their photographs and
Left Thumb Impression in the surety bond and the



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

21.11.2022

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To

1. The Judicial Magistrate - II,
Alandur,
Chennai.
2. The Inspector of Police,
NIB-CID,
Chennai.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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