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CrI.O.P.No.24157 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2022

CORAM

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

CrI.O.P.No.24157 of 2022

Ravichandran @ Ravi

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
H-5, New Washermenpet Police Station,
Chennai.
(Crime No.483/2022).

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.483
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.G.Ravikumar

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 21.07.2022, for the offences punishable under Sections 8(C), 9A, 21(a), 21(c), 25(A) of the NDPS Act in Crime No.483 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 20.07.2022, on receiving the secret information about illegal sale of Ganja, the Sub Inspector of Police, H-5, New Washermenpet Police Station along with his team, conducted search, in which they found the petitioner along with the other accused and on seeing the police, the petitioner/A3 and A4 ran away from the scene of occurrence. The respondent Police conducted a search and recovered 80 grams of Methamphetamine and three cell phones from A1 and 15 kg of Ephedrine, 35 litres of acetone, 2 kgs of activated charcoal, 2.5 litres of methylene dichloride, 2.5 litre of methanol and a car bearing registration No.K.A.01 ML 1977 from A2. Based on the above, a case was registered by the respondent Police in Crime No.483 of 2022 for the offences under Section 8(C), 9A, r/w 21(a), 21(c), 25(A) of the NDPS Act. Later,



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based on the confession recorded from A1, A3 was arrested and based on his confession, 55 grams of Methamphetamine was recovered. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the entire case of the prosecution itself is artificial. He would submit that as per the prosecution, A1 and A2 have stated to be arrested while they were having a discussion inside a car and on seeing the Police, A3 and A4 ran away from the place of occurrence. He would submit that later based on the alleged confession stated to have been recorded from A1, the petitioner/A3 was arrested and only after recording the alleged confession from the petitioner, the petitioner was taken to a open place from where 55 grams of Methamphetamine was stated to be recovered. He would further submit that though the petitioner was stated to have been arrested on 21.07.2022 and remanded to judicial custody on 22.07.2022, the alleged contraband was produced before the Court much belatedly on 11.08.2022 vide A.No.433 of 2022. He would further submit that the petitioner does not have any other case against him and more particularly no previous case under the NDPS Act. The entire case of the prosecution is suspicious and most of the accused



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are stated to have been arrested near Madras Port Trust ground. He would further submit that the alleged confession statements have been recorded in this case and there is no other material produced as on date by the prosecution to connect the petitioner with the other accused. He would also submit that it is a clear case where the petitioner has made out a *prima facie* case satisfying the requirements of twin conditions under Section 37 of the NDPS Act for grant of bail and thereby, he prays for grant of bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that on receiving the secret information about illegal sale of Ganja, the Sub Inspector of Police along with his team conducted search, in which, they arrested A1 and A2 and 80 grams of Methamphetamine and three cell phones were recovered from A1 and 15 kg of Ephedrine, 35 litres of acetone, 2 kgs of activated charcoal, 2.5 litres of methylene dichloride, 2.5 litre of methanol and a car bearing registration No.K.A.01 ML 1977 were recovered from A2. Based on the confession recorded from A1, the petitioner/A3 was implicated and arrested and based on his confession, 55 grams of Methamphetamine was recovered. He would



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further submit that the alleged contraband was produced before the Court on 11.08.2022 vide A.No.433 of 2022 and the alleged contraband is commercial quantity and hence, he opposed for grant of anticipatory bail to the petitioner.

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

6.It is the case of the petitioner that when he has been implicated based on the confession recorded from A1 and later based on the confession recorded from the petitioner, the alleged contraband has stated to have been recovered from the petitioner on the same day and the petitioner was remanded to judicial custody on 22.07.2022, the alleged contraband has been produced before the Court only on 11.08.2022 vide A.No.433 of 2022. Therefore, this Court is of the opinion that the petitioner has made out a *prima facie* case satisfying the conditions required under Section 37 of NDPS Act for grant of bail.



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7. In view of the above, this Court is inclined to grant bail to the petitioner. 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**, each for a like sum to the satisfaction of the **learned Principle Special Judge under EC and NDPS Act, Chennai 104**, 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 Principle Special Judge under EC and NDPS Act, Chennai 104 at 10.30 a.m., on all working days and report before the respondent police daily 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



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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.

31.10.2022

vkr

To

- 1.The Principle Special Judge under EC and NDPS Act,
Chennai 104
- 2.The Inspector of Police,
H-5, New Washermenpet Police Station,
Chennai.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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