



Crl.OP.No.24340 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2022

CORAM

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

Crl.OP.No.24340 of 2022

Barath

... Petitioner

Vs.

The State represented by
The Inspector of Police,
J-9, Thuraipakkam Police Station,
Chennai.
(Crime No.246 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending trial in Crime No.246 of
2022 on the file of the file the respondent police Chennai.

For Petitioner : Mr.J.Samiullah

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 26.07.2022 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C) of NDPS Act 1985, in Crime No.246 of 2022 on the file of respondent police, seeks bail.

2.The case of the prosecution is that on 26.07.2022, based on the secret information, the Sub Inspector of Police and his team went to the place of occurrence. At that time, five persons were standing there with one two wheeler and on seeing the Police, one of the accused escaped from that place. Immediately, the Police caught hold of the four accused, during the enquiry, found 20.6 kgs of Ganja in which 10 kgs of Ganja from A1, 5.5 kgs of Ganja from A2 who is the petitioner hererin, 2.7 kgs of Ganja from A3, 2.4 kgs of Ganja from A4 were recovered. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is a graduate having completed B.Sc Visual Communication at Mohamed Sathak College of Arts and Science. He would further submit that the petitioner was arrested on suspicion and he was clubbed with other accused persons. He would further submit that though the quantity of Ganja



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alleged to have seized from all the accused persons is 20.6 kgs, there absolutely no material to show that the petitioner is also a member of the gang along with the other accused. Even as per the prosecution, the amount of 5.5 kgs of Ganja is said to be recovered from the petitioner and that there is no previous case pending as against him and he hails from a respectable family. He would further submit that the quantity of Ganja recovered from the petitioner is not a commercial quantity and that he is in custody from 26.07.2022 for the past so many days, he seeks to enlarge the petitioner on bail.

4. The learned Government Advocate (crl.side) appearing for the respondent has filed their counter and would submit that on specific information that some persons were engaged in sale of Ganja, the Inspector of Police along with the police party has gone to a bridge at Elongo Nagar and they had seen some persons standing. On seeing the respondent police the persons attempted to run away from the scene of occurrence and immediately the police caught hold of the accused persons and recovered Ganja from them. Hence, he vehemently opposed to grant bail to the petitioner.



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5.Heard the learned counsel for the both sides and perused the materials placed on record.

6.Taking into consideration the facts and circumstances and the fact that the total amount of Ganja recovered was 20.6 kgs, as far as this petitioner is concerned, Ganja recovered is only 5.5 kgs and that the petitioner is aged 22 years and had graduated B.Sc Visual Communication at Mohamed Sathak College of Arts and Science and as on date there is no material to show that the petitioner is connected with other accused persons, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on 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 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;



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[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];**

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

gd/anu

14.10.2022

A.D.JAGADISH CHANDIRA,J.



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To

1. The Judicial Magistrate No.II, Alandur.
2. Inspector of Police,
Thuraipakkam Police Station,
Chennai – 600 097.
- 3.The Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.

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