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CrI.OP.No.25262 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No.25262 of 2022

Nooruddin

..Petitioner

Vs.

The State represented by
The Inspector of Police,
C-2, Elephant Gate Police Station,
Chennai.

(Crime No.210 of 2022)

..Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail pending trial in Crime No.210 of 2022 on
the file of the respondent Police Chennai.

For Petitioner : Mr.J.Samiullah

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on
10.06.2022 at the hands of the respondent police for the offences punishable
under Sections 8(c), 20(b)(ii)(C), 25, 29(1) of NDPS Act, 1985, in Crime No.210
of 2022, seeks bail.



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2. The case of the prosecution is that when the respondent Police and their team were on regular patrol, they found that the petitioner illegally transported 12 bundles containing 25 kilograms of Ganja and one litre of Hashish oil. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case and this is the third bail petition filed by the petitioner. Earlier petitions filed by the petitioner were dismissed by this Court. He also submitted that only based on the confession statement of A1 and A2, the petitioner and A4 have been implicated as accused. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that there are totally four accused in which the petitioner is arrayed as A3. A3 and A4 are drug peddlers and they engaged A1 and A2 to purchase Ganja from Andhra Pradesh. They only financed to purchase Ganja for selling to the general public. The petitioner is doing business with A1. He further submitted that insofar as A2 is concerned, she was granted bail only on the circumstances that she got pregnant and thereafter it was aborted and as such only on medical ground, she was



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granted bail. Insofar as the petitioner is concerned, he is the main drug peddler and if he is let out on bail, he will indulge in similar kind of offences. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen that there are totally four accused in which the petitioner is arrayed A3. Even according to the case of the prosecution, A1 and A2 were in possession of 25 kilograms of Ganja and 1.045 litres of Hashish oil. On the confession statement from A1 and A2, the petitioner and A4 were implicated as accused. The prosecution produced call details between A1 and A3 and except call details, no other material or contraband recovered from the petitioner. That apart, except the present case, the petitioner was not involved in any other case. Now, the investigation has been completed and filed a final report and it is pending for taking cognizance. Therefore, the petitioner made out a *prima facie* case to satisfy the twin conditions as contemplated under Section 37 of NDPS Act. That apart, the petitioner was arrested and remanded to judicial custody on 10.06.2022.



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6. Considering the above facts and circumstances of the case and also considering the period of incarceration by the petitioner from the date of his arrest viz.,10.06.2022, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner shall donate a sum of **Rs.25,000/-** (Rupees Twenty Five Thousand only) to the credit of the **METTUR PAVENTHAR BHARATHIDASAN NARPANI MANDRAM**; A/c No : 6527280724; IFSC code : IDIB000M034; Bharathi Nagar, Mettur Dam-1, Salem District; for the purpose of constructing library and on such donation, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with **two blood related sureties**, each for a like sum to the satisfaction of the learned XIII Metropolitan Magistrate G.T.Court, Chennai-600 008 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 donate a sum of **Rs.25,000/-** (Rupees Twenty Five Thousand only) to the credit of the **METTUR PAVENTHAR BHARATHIDASAN NARPANI MANDRAM**; A/c No : 6527280724; IFSC code : IDIB000M034; Bharathi Nagar, Mettur Dam-1, Salem District.



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[c] the petitioner shall report before the Trial Court, daily at 10.30 a.m., and 05.30 p.m, until further orders.

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

[e] the petitioner shall not tamper with evidence 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 absconds, a fresh FIR can be registered under Section 229A IPC.

18.10.2022

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G.K.ILANTHIRAIYAN, J.

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To

- 1.The XIII Metropolitan Magistrate G.T.Court, Chennai-600 008.
- 2.The Inspector of Police,
C-2, Elephant Gate Police Station,
Chennai.
3. The Central Prison,
Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

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