



CrI.OP.No.25198 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

CORAM

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

CrI.OP.No.25198 of 2022

Vijay

...

Petitioner

Vs

State rep. by
The Inspector of Police,
St. Thomas Mount Police Station,
Chennai.
(Crime No.42 of 2022)

...

Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.42 of 2022 on the file of the respondent Police.

For Petitioner : Mr.E.Suganthan
For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor.

ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.03.2022 for the alleged offence punishable under Section 8(c), 21(c), 25, 29(1) of the Narcotic Drugs and Psychotropic Substances



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Act, 1985 in Crime No. 42 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused was found in illegal possession of 116 grams of MD @ Amphetamine. Hence, the case.

3. There are totally five accused, in which the petitioner is arrayed as A4. Even according to the prosecution, 56 grams of MD Amphetamine was seized from A2 along with 5 Nos of Needle and 1 pocket of Stroke Condom. Asfar as the petitioner is concerned, he was in possession of 5 Needles and 1 pocket of Stroke Condom.

4. That apart, the learned counsel for the petitioner would submit that so far the respondent did not file any final report, even after completion of a period of six months from the date of registration of the FIR on 14.03.2022.



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5. The learned Additional Public Prosecutor filed counter stating that the petition for extension of time is still pending. However, it is posted for filing counter on 22.11.2022 by the Court below. Further, it is submitted that all the accused persons were in constructive possession of Methamphetamine weighing 56 grams and it is a commercial quantity. Therefore he vehemently opposed for granting bail to the petitioner, since, there is a bar under Section 37 of the NDPS Act.

6. A perusal of the records reveals that the petition for extension is still pending and it is posted for filing counter on 22.11.2022. Even according to the prosecution, the petitioner was found in possession of 5 Nos of Needle and 1 pocket of Stroke Condom.

7. 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., 14.03.2022, this Court is inclined to grant bail to the petitioner with certain conditions.



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8. Accordingly, the petitioner shall donate a sum of **Rs.50,000/-** (Rupees Fifty 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 Principal Special Judge for EC and NDPS Act, Chennai 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 **50,000/-** (Rupees Fifty 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.

[c] the petitioner shall report before the Principal Special Judge for EC and NDPS Act, Chennai, on all working days at 10.30 a.m., and 05.30 p.m, until further orders.



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[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.

20.10.2022

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To

- 1.The Principal Special Judge for EC and NDPS Act,
Chennai.
2. The Inspector of Police,
St. Thomas Mount Police Station,
Chennai.
3. Central Prison,
Puzhal
- 4.The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

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