



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.25335 of 2021

M.V.Srinivasan

... Petitioner

Vs.

The State Represent by
The Intelligence Officer,
Directorate of Revenue Intelligence,
Chennai Zonal Unit,
No.27, G.N.Chetty Road, T.Nagar,
Chennai 600 017
(C.C.No.37/2020)

.. Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in connection with the case in C.C.No.37 of 2020 pending investigation on the file of the respondent.

For Petitioner : Mr.G.Murugendran

For Respondent : Mr.N.P.Kumar
Special Public Prosecutor

ORDER

The petitioner, who was arrested on 18.10.2019 and remanded to judicial custody for the offence under Sections 8(c) r/ 22(c), 25, 28 and 29 NDPS Act in C.C.No.37 of 2020, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that based on specific intelligence, the officers of Directorate of Revenue Intelligence, Chennai Zonal Unit, seized approximately 1,37,665 tablets of various kinds totally weighing around 90 kgs., under mahazars dated 15.17.2019 from various places and they are being exported to foreign countries under the guise of herbal / ayurvedic medicines.



3. The learned counsel appearing for the petitioner submitted that already this Court had cancelled the anticipatory bail granted in favour of the 4th respondent. Similarly, the Lower Court also declined to grant bail in respect of A1. Both A1 and A4 had filed Special Leave Petition before the Hon'ble Supreme Court, wherein the bail was granted to both the accused. The petitioner before this Court is A2, who is running a courier service, who received the contraband and prepared the invoice, packing the list as per the order of A4 and he is not in possession of any contraband. Hence prays for grant of bail to A2, since A1 and A4 have already been granted bail by the Hon'ble Apex Court, prays this Court to extend the same benefit to the petitioner herein also.

4. The learned Government Advocate (Crl.Side) submitted that despite knowing that trading, storing and exporting psychotropic substances is an illegal activity, the petitioner / accused A2 herein in connivance with A1 and A3 involved in the activity of storing, packaging and exporting the psychotropic substances outside India with the help of accused A3 on the instructions of A1 for greed of money and he himself prepared all the documents for export and then after signing them on behalf of A1 forwarded the consignment for export and strongly opposed to grant bail to the petitioner.

5. Considering the period of incarceration suffered by the petitioner and also the present COVID-19 pandemic situation and further considering the fact that co-accused / A1 and A4 were already enlarged on bail by the Hon'ble Supreme Court, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent, Central Prison, Puzhal, Chennai, in which the petitioner is confined and on such execution the petitioners shall be released from prison;

(b) Within a period of four weeks after the release, the petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the Principal Special Judge, Principal Special Court under EC & NDPS Act, Chennai 600 104;

(c) In case of any difficulty in executing the said bond along with the sureties before the concerned Magistrate within the time stipulated above, the petitioner is permitted to file appropriate petition within a period of four week therefrom before the concerned Magistrate for extension of time for executing the bond along with sureties and if any such application is filed, the concerned Magistrate shall decide on the grant of extension of time for accepting the bond and sureties in accordance with law. Failing filing of any such application within the time prescribed above, the



bail granted by this Court would stand automatically vacated.

(d) 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;

(e) the petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) the petitioner shall not abscond either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners 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]**; and;

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

03/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL SPECIAL JUDGE,
PRINCIPAL SPECIAL COURT UNDER EC & NDPS ACT,
CHENNAI 600 104.

2 THE SPECIAL PUBLIC PROSECUTOR FOR DRI CASES,
HIGH COURT, MADRAS.

3 THE INTELLIGENCE OFFICER,
DIRECTORATE OF REVENUE INTELLIGENCE,
CHENNAI ZONAL UNIT,
NO.27, G.N.CHETTY ROAD, T.NAGAR,
CHENNAI-600017.



4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

CC to M/S.G.MURUGENDRAN Advocate on payment of necessary
charges

CRL OP.25335/2021

Date :03/01/2022

TA-05/01/2022