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Crl.OP.No.25572 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2022

CORAM

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

Crl.OP.No.25572 of 2022

1. Shajahar
2. Kishore

..Petitioners

Vs.

The State Represented by,
The Inspector of Police,
NIB-CID Vellore Police Station,
Vellore District.
Crime No. 36 of 2022

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail in connection with Crime No.36
of 2022 on the file of respondent police.

For Petitioners : Mr. D.Balaji

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 18.08.2022 for the offences punishable under Sections 8(c), r/w. 20(b)(ii)(B) of NDPS Act in Crime No.36 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners along with the other accused were found in possession of 12.700 Kgs of ganja. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would submit that the allegation against the petitioners is that they along with the other accused were found in possession of 12.700 Kgs of ganja. The petitioners were arrested on 18.08.2022 and they were inside the custody for more than 82 days. He would further submit that there is no previous case pending against the petitioners and the quantity seized is not a commercial quantity and it is only in between small and commercial quantity. Hence, he prays for



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grant of bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners along with the other accused were found in possession of 12.700 Kgs of ganja. However, no recovery had been made from the first petitioner. He would further submit that there is no previous case pending against the petitioners. However, he opposed for grant of bail to the petitioners.

5. Heard the learned counsels and also perused the materials available on record.

6. Taking into consideration the facts and submissions and the period of incarceration of the petitioner from the date of his arrest and also the age of the petitioners, this Court is inclined to grant bail to the petitioners.



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7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) each with **two sureties (out of which, one shall be a blood related surety either father or mother of the petitioners)**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Katpadi, Vellore District** 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 petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed



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and the petitioners 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 absconds, a fresh FIR can be registered under Section 229A IPC.

09.11.2022

Anu

To

1. The Judicial Magistrate, Katpadi, Vellore District.
2. The Inspector of Police,
NIB-CID Vellore Police Station,
Vellore District.
3. The Central Jail,
Salem
4. The Public Prosecutor,
High Court of Madras



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A.D.JAGADISH CHANDIRA, J.

Anu

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