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Crl.O.P.No.25552 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2022

CORAM

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

Crl.O.P.No.25552 of 2022

Sakthivel

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
H-5, New Washermentpet Police Station,
Chennai.
Crime No.532 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.532 of 2022 pending
investigation before the respondent police.

For Petitioner : Mr.M.Illiyas

For Respondent : Mr.C.E.Pratap

Government Advocate (Crl.Side)



CrI.O.P.No.25552 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.08.2022, for the offences punishable under Sections 8(c), 22(c) of NDPS Act, 1985, in Crime No.532 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 20.08.2022, at about 15.30 hrs., the Sub Inspector of Police received a secret information about the illegal sale of Ganja. Thereafter, he along with his parties conducted search and found LSD Stamp - 16 Nos weighing 0.270 grms from the accused persons. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that, even as per the prosecution, the contraband is said to be recovered from A1 and the petitioner is not aware of the said contraband and that there is no material to show that the petitioner is aware of the possession of the contraband by A1 and he has been suffering



Crl.O.P.No.25552 of 2022

incarceration from 20.08.2022. He would further submit that the petitioner has satisfied the twin conditions as contemplated under Section 37 of NDPS Act. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that, the petitioner along with other accused was found in possession of LSD Stamps 16 Nos weighing 0.270 grms. He would further submit that, apart from this case, there is no previous case pending against the petitioner, however, he opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and other materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submission made by the learned counsel and also considering that no recovery was made from the petitioner, this Court is inclined to grant bail to the petitioner.



Crl.O.P.No.25552 of 2022

WEB COPY

7. Accordingly, the petitioner is ordered to be released on bail on his 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 XV Metropolitan Magistrate, George Town at 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 report before the respondent police twice daily at 10.30.a.m., and 05.30. p.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond 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]**;



Crl.O.P.No.25552 of 2022

WEB COPY

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

01.11.2022

Sma

To

1. learned XV Metropolitan Magistrate,
George Town, Chennai.
2. The Inspector of Police,
H-5, New Washermentpet Police Station,
Chennai.
3. Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.25552 of 2022

A.D.JAGADISH CHANDIRA.,J.

Sma

Crl.O.P.No.25552 of 2022

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