



CrI.O.P.No.25579 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2022

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THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.25579 of 2022

Balasubramaniyan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
NIBCID,
Chennai.
(Crime No.27 of 2018).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending trial in C.C.No.138 of 2019
in Crime No.27 of 2018 pending on the file of the learned Special Judge, II
Additional Special Court for Exclusive Trial of Cases under NDPS Act,
Chennai.

For Petitioner : Mr.K.Balasubramaniam

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (CrI.Side)



Crl.O.P.No.25579 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.08.2022 for the alleged offences punishable under Sections 8(c) r/w 20(b)(ii)(C), 25, 23(c), 27A, 29(1) of Narcotic Drugs and Psychotropic Act, 1985 in Crime No.27 of 2018 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 15.09.2017, the accused had illegally transported 227.700 kilograms of Ganja in their car bearing registration No.PY 01 BP 9992. The respondent Police seized the contraband under the cover of seizure mahazar and arrested the accused and registered the case in Crime No. 27 of 2018 for the offence under 8(c) r/w 20(b)(ii)(C), 25, 23(c), 27A, 29(1) of Narcotic Drugs and Psychotropic Act, 1985. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner was arrested only based on the



Crl.O.P.No.25579 of 2022

confession statement recorded from the co-accused. He also stated that no contraband was seized from the petitioner. He further submitted that the case was registered during the year 2018 and the final report was filed during the year 2019 and till date, there is no progress in trial. He also stated that the co-accused in this case has already been arrested and enlarged on bail by the learned trial Court in Crl.M.P.No.2356 of 2021. He further submitted that the petitioner is in custody from 06.08.2022 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner along with other accused were illegally transported 227.700 kilograms of Ganja in their car. He further submitted that there are three previous cases pending against the petitioner. Hence, he vehemently opposed to grant bail to the petitioner.

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



Crl.O.P.No.25579 of 2022

WEB COPY

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and taking note of the fact that no recovery was made from the petitioner and the delay in the progress of trial for past two years and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Accordingly, 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 sureties**, each for a like sum to the satisfaction of the **learned Special Judge, II Additional Special Court under 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 report before the respondent Police on every Tuesday and Sunday at 10.30 a.m., for a period of six months;

[c] the petitioner shall also appear before the learned trial Court on all hearing dates, without fail;



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Crl.O.P.No.25579 of 2022

[d] the petitioner shall not abscond during trial;

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

19.12.2022

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To

1. The Special Judge,
II Additional Special Court under NDPS Act,
Chennai - 600 104.
2. The Inspector of Police,
NIBCID, Chennai.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.25579 of 2022

T.V.THAMILSELVI,J.

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Crl.O.P.No.25579 of 2022

19.12.2022