



Crl.O.P.No.25586 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

CORAM

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

Crl.O.P.No.25586 of 2022

Mohammed Javid

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
H-5 New Washermenpet Police Station,
Chennai.

(Crime No.155 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.155
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.C.V.Kumar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.03.2022 for the alleged offences punishable under Sections 8(C), 20(b)(ii)(B) read with Section 22(a) & 22(c) of NDPS Act in Crime No.155 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 06.03.2022, on receiving the secret information about illegal sale of Ganja, the Sub Inspector of Police along with his team conducted search, in which they found the petitioner along with the other accused were found in possession of 2 Kgs of Ganja and 760 Grams of Methamphetamine and the respondent police seized the contraband and arrested the petitioner along with the other accused. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is arrayed as A6 in this case. Even as per the case of the prosecution, 10g of Methamphetamine is stated to have been recovered from the petitioner, which is an inbetween quantity. The confession statement of



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A5 reveals that the petitioner is only an addict, who has purchased the 10 grams of Methamphetamine. He would further submit that the petitioner is running Biriyani shop and he has no previous case pending against him and further submit that co-accused in this case had been granted bail by this Court in Crl.O.P.No.24061 of 2022 dated 10.10.2022. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner is arrayed as A6 and he has been implicated on the confession statement of A5. However, he would submit that the petitioner is stated to be an addict and he had received 10g of Methamphetamine from other accused. He would further submit that final report has been filed and has been taken on file by the learned II Additional Special Court for NDPS Act, Chennai in C.C.No.313 of 2022. However, he opposed for grant of bail to the petitioner.

5. The respondent has filed a detailed counter.



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The details of recovery:

<i>S.No</i>	<i>Name of the accused</i>	<i>Ganja</i>	<i>Methamphetamine</i>
1	A-1/Rohit Manikandan	02Kg	05 gram
2	A-2/Khadar Moideen		80 gram
3	A-4/Nagoor Haniba		150 gram
4	A-5/Kaja Nawas		65 gram
5	A-6/Mohammed Javid		10 gram
6	A-7/Thamim Roslan		60 gram
8	A-8/PAtlolla Venkat Reddy	No Recovery	No Recovery
7	A-9/Sheik Mohammed		390 gram
	Total	02 Kg	760 gram

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

8. Taking into consideration the submission made by the learned counsels and considering that co-accused in this case had been granted bail by this Court in Crl.O.P.No.24061 of 2022 dated 10.10.2022 and also considering that the petitioner is an addict and the contraband seized from



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the petitioner is only 10g of Methamphetamine and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner.

9. 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 Principal Special Court under EC & 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 II Additional Special Court for NDPS Act, Chennai on all working days for a period of one month and thereafter on the dates fixed by the learned trial Judge.

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence



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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 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]***;

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

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- 1.The Principal Special Court under EC & NDPS Act,
Chennai - 104.
- 2.The Inspector of Police,
H-5 New Washermenpet Police Station,
Chennai.
3. Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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