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CrI.OP.No.25761 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2022

CORAM

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

CrI.OP.No.25761 of 2022

Mohamed Wasimudeen

..Petitioner

Vs.

The State Represented by,
Inspector of Police,
T8, Guduvancherry Police Station,
Kancheepuram District.
Crime No. 320 of 2022

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in connection with Crime
No.320/2022 on the file of respondent police.

For Petitioner : Mr.T.Vidyasagar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.08.2022 for the offences punishable under Sections 8(c), 20(b)(ii)(A), 22(b), 22(c), 25 & 29(1) of NDPS Act in Crime No.320 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 06.08.2022 on secret information, the respondent detained the accused who were standing in a suspicious circumstances and found that A1 was found in possession of 30 MDMA tablets of 12 grams each and A2 was found in possession of 21 MDMA tablets weighing 7 grams and A3 was found in possession of 150 grams of ganja and A5 was found in possession of 150 grams of ganja. 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 the allegation as against the petitioner as stated in the FIR is concerned, the petitioner was found in possession of 21 MDMA tablets weighing 7 grams, which is a



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inbetween quantity. He would further submit that, even as per the FIR, there is no averments as if, the petitioner is known to other accused. He would further submit that the petitioner has been suffering incarceration from 06.08.2022 and the co-accused in this case had been granted bail by this Court in Crl.O.P.No.26167 of 2022 dated 01.11.2022. He would further submit that the petitioner is working in Event Management company and would pray for grant of bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that, as per the FIR, on secret information, the respondent police had conducted search and they had seized 21 MDMA tablets weighing 7 grams from the petitioner, which is an inbetween quantity. He would fairly submit that no averment was made in the FIR, that the petitioner is known to the other accused. However, he opposed for grant of bail to the petitioner.

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



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6. Taking into consideration the facts and submissions and the period of incarnation of the petitioner from the date of his arrest and also considering that though commercial quantity is said to have been recovered from other accused, as far as the petitioner is concerned, 21 MDMA tablets weighing 7 grams only recovered and it is an inbetween quantity and also considering that there is no material to show that the petitioner has connection with the other accused, 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.25,000/-** (Rupees Twenty Five thousand only) with **two sureties (out of which, one shall be a mother or father of the petitioner)**, each for a like sum to the satisfaction of the learned **Principal Special Judge for EC and 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.



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[b] the petitioner shall report before the respondent police everyday at 05.30.p.m., until further orders.

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

[d] the petitioner 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

04.11.2022

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A.D.JAGADISH CHANDIRA, J.

Sma

To

1. The Principal Special Judge for EC and NDPS Act,
Chennai.
2. Inspector of Police,
T8, Guduvancherry Police Station,
Kancheepuram District.
3. Sub Jail,
Chengalpattu.
4. The Public Prosecutor,
High Court of Madras

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