



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 05.01.2022

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CRL. O.P. NO.26082 OF 2021

Ashok Kumar

.. Petitioner

- Vs -

The State, rep. by
The Intelligence Officer
Directorate of Revenue Intelligence
Chennai Zonal Unit
No.27, G.N.Chetty Road, T.Nagar
Chennai 600 017.

.. Respondent

Criminal Original petition filed under Section 439 of Cr.P.C, praying to enlarge the petitioner on bail in connection with the case in C.C.No.37 of 2020 pending investigation on the file of the respondent.

For Petitioner : Mr.Venkataraman

For Respondent : Mr.N.P.Kumar, Spl. PP

ORDER

The petitioner, who was arrested on 18.10.2019 and remanded to judicial custody for the offence under Sections 8(c), 22(c), 25, 28 and 29 NDPS Act in C.C.No.37 of 2020, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that based on specific intelligence, the officers of Directorate of Revenue Intelligence, Chennai Zonal Unit, seized approximately 1,37,665 tablets of various kinds totally weighing around 90 kgs., under mahazars dated 15.17.2019 from various places which were to be exported to foreign countries under the guise of herbal/ayurvedic medicines.

3. The learned counsel appearing for the petitioner submitted that already this Court had cancelled the anticipatory bail granted in favour of the 4th respondent. Similarly, the court below also declined to grant bail in respect of A1. A1 and A4 had filed Special Leave Petition before the Hon'ble Supreme Court, wherein the bail was



granted to both the accused. The petitioner before this Court is A3, who is merely employed in the courier service run by A-1 and was merely handling the packed consignment, without knowing the contents of the same and that A-3 was not in possession of any contraband. Hence prays for grant of bail to the petitioner as A-1 and A-4 having already been granted bail by the Hon'ble Apex Court and A-2 having been granted bail by this Court, prays this Court to extend the same benefit to the petitioner herein.

4. The learned Government Advocate (Crl.Side) submitted that despite knowing that trading, storing and exporting psychotropic substances is an illegal activity, the petitioner/A3 herein in connivance with A1, A-2 and A-4, involved in the activity of storing, packaging and exporting the psychotropic substances outside India on the instructions of A1 for monetary gain and that the petitioner had handled the packed contraband to be sent abroad. Therefore, he strongly opposed to grant bail to the petitioner.

5. Taking into consideration the submissions advanced on behalf of the parties and also the involvement of the petitioner is only to the extent of handling the packed consignment, which was given by A-1, A-2 and A-4, and that the co-accused/A1, A-2 and A4 having been enlarged on bail by the Hon'ble Supreme Court and this Court, and Considering the period of incarceration suffered by the petitioner and also taking note of the present pandemic situation this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent, Central Prison, Puzhal, Chennai, in which the petitioner is confined and on such execution the petitioner shall be released from prison;

(b) Within a period of four weeks after the release, the petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the Principal Special Judge, Principal Special Court under EC & NDPS Act, Chennai 600 104;

(c) In case of any difficulty in executing the said bond along with the sureties before the concerned Magistrate within the time stipulated above, the petitioner is permitted to file appropriate petition within a period of four week therefrom before the concerned Magistrate for extension of time for executing the bond along with sureties and if any such application is filed, the concerned Magistrate shall decide on the grant of extension of time for accepting the bond and sureties in accordance with law. Failing filing of any such application within the time prescribed above, the bail granted by this Court would stand automatically vacated.



(d) 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;

(e) the petitioner shall report before the respondent daily at 10.30 a.m. until further orders;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) the petitioner shall not abscond either during investigation or trial;

(h) 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 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]; and;

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
05/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL SPECIAL JUDGE,
PRINCIPAL SPECIAL COURT UNDER EC & NDPS ACT,
CHENNAI 600 104,

2 THE SUPERINTENDENT,
CENTRAL PRISON-II,
PUZHAI, CHENNAI.

3 THE INTELLIGENCE OFFICER, DIRECTORATE OF
REVENUE INTELLIGENCE, CHENNAI ZONAL UNIT,
NO.27, GN CHETTY ROAD,
T.NAGAR, CHENNAI 600017



4 THE SPECIAL
PUBLIC PROSECUTOR FOR DRI CASES,
HIGH COURT, MADRAS.

WEB COPY

+1 CC to M/S.R.VENKATRAMAN
charges SR.NO.226

Advocate on payment of necessary

CRL OP.26082/2021

Date :05/01/2022

RW 07/01/2022