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Crl.OP.No.26166 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2022

CORAM

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

Crl.OP.No.26166 of 2022

Babu Mondal

... Petitioner

Vs.

State Rep by
The Inspector of Police,
NIB-CID Police Station,
Salem District.
(Crime No.6 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the bail to the petitioner in Spl.C.C.No.44 of 2022 on the
file of the Special Judge for EC/NDPS Act Cases, Salem in Crime No.6 of
2022.

For Petitioner : Mr.N.Chinnaraj

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



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Crl.OP.No.26166 of 2022

ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.01.2022 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act in Crime No.6 of 2022 on the file of respondent police, seeks bail.

2. The case of the prosecution is that the accused was found to be in illegal possession of 10 Kgs of Ganja. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has nothing to do with the alleged offence. He would submit that the petitioner is the resident of West Bengal and he came to Chennai for job. Since there was a miscommunication of language, he has been falsely implicated in this case. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (crl.side) appearing for the respondent would submit that the petitioner was found to be in possession of



Crl.OP.No.26166 of 2022

10 Kgs of Ganja. He would further submit that the petitioner is the resident of West Bengal and the local residence proof given by the petitioner is a false one. If bail is granted to the petitioner, there is every possibility of the petitioner to be absconded. He would further submit that investigation has been completed and the charge sheet has been filed before the Special Court for ED NDPS, Salem and the case has been taken up on file in Spl.S.C.No.44 of 2022. Hence, he vehemently opposed to grant bail to the petitioner.

5. In reply, learned counsel for the petitioner would submit that the petitioner is in custody for more than 11 months and the petitioner is prepared to furnish blood surety or his wife will stand as surety.

6. Heard both the learned counsel and perused the materials available on record including the First Information Report.

7. Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner, this Court is inclined to grant bail to the petitioner.



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Crl.OP.No.26166 of 2022

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.50,000/- (Rupees Fifty thousand only)** with **two sureties**, out of which, one surety should be a blood surety or a surety of his wife, each for a like sum to the satisfaction of the **learned Special Judge for EC/NDPS Act Cases, Salem** 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 furnish the proof of permanent residence at the time of furnishing sureties.

[c] The learned Special Judge shall verify and satisfy himself with regard to the proof of permanent residence produced by the petitioner, at the time of furnishing sureties.

[d] the petitioner shall report before the learned Special Judge for EC/NDPS Act Cases, Salem on all working days at 10.30 am for a period of four weeks and thereafter on the date fixed by the Trial Court.



Crl.OP.No.26166 of 2022

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

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

[g] 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.

25.11.2022

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Crl.OP.No.26166 of 2022

A.D.JAGADISH CHANDIRA,J.

shk

To

1. The learned Special Judge for EC/NDPS Act cases,
Salem.
- 2.The Inspector of Police,
NIB-CID Police Station,
Salem District.
3. The District Jail,
Salem
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.26166 of 2022

25.11.2022