



Crl.O.P.No.26181 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2022

CORAM

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

Crl.O.P.No.26181 of 2022

A.P.Karunanidhi

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
H-5, New Washermenpet Police Station,
Chennai-600 081
(Crime No.483/2022).

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.483
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.D.Manimaran

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 20.07.2022, for the offences punishable under Sections 8(c), 9A, 21(a), 21(c), 25(A) of the NDPS Act, 1985 in Crime No.483 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 20.07.2022, 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 and on seeing the police, A3 and A4 ran away from the scene of occurrence. The respondent Police conducted a search and recovered 80 grams of Methamphetamine and three cell phones from A1 and 15 kg of Ephedrine, 35 litres of acetone, 2 kgs of activated charcoal, 2.5 litres of methylene dichloride, 2.5 litre of methanol and a car bearing registration No.K.A.01 ML 1977 from A2. Based on the above, a case was registered by the respondent Police in Crime No.483 of 2022 for the offences under Section 8(c), 9A, r/w 21(a), 21(c), 25(A) of the NDPS Act. Later, based on the confession recorded from A1 and A2, A3 was arrested and based on his confession, 55 grams of Methamphetamine was recovered.



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Hence the complaint.

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3. The learned counsel appearing for the petitioner would submit that the entire case of the prosecution itself is artificial. He would submit that as per the prosecution, A1 and A2 have stated to be arrested while they having a discussion inside a car and on seeing the Police, A3 and A4 ran away from the place of occurrence. Later, A3 and the petitioner/A4 were arrested and based on the confession of A5 that the petitioner has driven the car of A5 and travelled along with him for purchase of drugs, the petitioner was implicated in this case. Thereafter, the confession has also been alleged to have been recorded from the petitioner. However, he would submit that no recovery has been made from him. He would also submit that other than the alleged confession, no other material is against the petitioner and based on the confession, no recovery has also been made from him. He would further submit that the petitioner is a tenant under A5 and he is a car driver, who has engaged with the zoom cars. Further, he would submit that A5 has been enlarged on bail in Crl.O.P.No.25021 of 2022. Hence, he prays for grant of bail to the petitioner.



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4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that on receiving the secret information about illegal sale of Ganja, the Sub Inspector of Police along with his team conducted search, in which, they arrested A1 and A2, from them, 80 grams of Methamphetamine and three cell phones were recovered from A1 and 15 kg of Ephedrine, 35 litres of acetone, 2 kgs of activated charcoal, 2.5 litres of methylene dichloride, 2.5 litre of methanol and a car bearing registration No.K.A.01 ML 1977 were recovered from A2. Based on the confession recorded from A1 and A2, A3 and A4 have been implicated in this case. He would submit that the petitioner herein is arrayed as A4 and he is a driver of A5. The allegation is that the petitioner had driven the car for A5 to travel to Andhra Pradesh for purchase of drugs and he is aware of the dealings of the other accused. He would submit that no recovery has been made from the petitioner. However, he opposed for grant of anticipatory 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.



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6. It is the case of the petitioner that he is a tenant under A5 and that he has been implicated in the case based on the confession recorded from A5. However, no recovery has been made from the petitioner and the only allegation against the petitioner is that he has driven the car of A5.

7. In view of the above, this Court is inclined to grant bail to the petitioner. 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 **NDPS Principal Court, 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, everyday at 10.30 a.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;



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[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.

04.11.2022

Anu

To

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



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A.D.JAGADISH CHANDIRA.,J.

Anu

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