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Crl.O.P.Nos.26895 and 27015 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2022

CORAM

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

Crl.O.P.Nos.26895 and 27015 of 2022

Kannan ... Petitioner in Crl.O.P.No.26895 of 2022
Dinesh ... Petitioner in Crl.O.P.No.27015 of 2022
Vs.

The State represented by,
The Inspector of Police,
T 14 Pallikaranai Police Station,
Chennai.

Crime No.967 of 2022 ... Respondent in both Crl.O.P's

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners on bail pending investigation in Crime
No.967 of 2022 on the file of the respondent police.

For Petitioners : Mr.R.Thirumoorthy
in both Crl.O.P's
For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)
in both Crl.O.P's



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COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 17.09.2022, for the offences punishable under Sections 8(c), 22(b) & 25 of Narcotic Drugs and Psychotropic Substances Act ,1985 in Crime No.967 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution as per the defacto complainant one Jayalakshmi, Sub Inspector of Police is that, the petitioners along with other accused were found in possession of 1708 Nos of Tapentadol Tydol tablets (478.24 gms). The specific overt act against the petitioner/A1 was found in possession of 508 Tydol tablets and the petitioner/A4 was found in possession of 400 Tydol tablets. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are arrayed as A1 and A4. It is seen that A3 in this case was similarly placed, who had been enlarged on bail in CrI.O.P.No.25738 of 2022. Hence, he seeks for grant of bail to the petitioners.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that, the petitioners along with other accused were found in possession of 1708 Nos of Tapentadol Tydol tablets (478.24 gms). The petitioner/A1 was found in possession of 508 Tydol tablets and the petitioner/A4 was found in possession of 400 Tydol tablets. He would further submit that the quantity seized is in between small and commercial quantity. However, he opposed to grant bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) and other materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submission made by the learned counsel and also considering that the seized contraband does not comes under the scheduled drug under the NDPS Act, this Court is inclined to grant bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only) each**, with **two blood related sureties**, each for a like sum



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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 petitioners shall report before the respondent police daily at 10.30.a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners shall not abscond 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;

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Anu



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To

1. The Principal Special Court under EC & NDPS Act, Chennai.
2. The Inspector of Police,
T 14 Pallikaranai Police Station,
Chennai.
3. The Puzhal Central Prison,
Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

Anu

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