



Crl.O.P.No.27504 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2022

CORAM

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

Crl.O.P.No.27504 of 2022

1.Duraiyaran
2.Nithiyanandam

... Petitioners

Vs.

State rep by
The Inspector of Police,
T – 8 Guduvanchery Police Station,
Chennai.
(In Crime No.320/2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in Crime No.320 of 2022 on the file
of the respondent police.

For Petitioners : Mr.R.Raj Prabhu

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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Crl.O.P.No.27504 of 2022

ORDER

The petitioners, who were arrested and remanded to judicial custody on 06.08.2022 for the offences punishable under Sections 8(c) read with 20(b)(ii)(A), 22(b), 22(c), 25 and 29(i) 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 at about 08.30 hrs, the respondent police received a secret information about illegal transport of narcotic substances. After receiving the information, the Sub-Inspector of Police along with his police team went near the wine shop, Madurai Meenakshipuram, Orapakamm. Immediately, the police party conducted a check-up. At that time, the accused persons Silambu @ Silambarasan/A1, Mohammed Wasimudeen/A2, Vigneshwaran/A3, Ganesh/A4, Duraiarasan/A5 & Nithyanandam/A6 petitioners herein were found standing suspiciously. When the respondent police searched them he found 30 MDMA tablets each weighing 12 grams from A1 and 300 grams of Ganja from the other accused, they seized the contraband under the cover of seizure mahazar in the presence of witness. Thereafter, the Sub Inspector of



Crl.O.P.No.27504 of 2022

Police arrested the accused person A1 to A6 and recorded their confession statements. The A5/1st petitioner herein was found in possession of 150 grams of Ganja and from A6/2nd petitioner herein, no recovery has been made. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would submit that as per the First Information Report 150 grams of ganja is stated to be recovered from the 1st petitioner and no contraband has been recovered from the 2nd petitioner and as such, as on date, there is no material provided by the respondent to connect the petitioners with the other accused. He would submit that the 1st petitioner had discontinued his studies from the SRM University and he is presently working in Walsons Construction company as a security and he 2nd petitioner is working as a daily wager. He would submit that the similarly placed accused has been granted bail by this Court in Crl.O.P.No.25859 of 2022. Hence, he seeks for grant of bail to the petitioners.

4. The respondent has filed a detailed counter.



Crl.O.P.No.27504 of 2022

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5. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that petitioners along with 4 other accused were found on the place of occurrence and from the 1st petitioner 150 grams of ganja was recovered and from the 2nd petitioner no contraband has been recovered. He would further submit that from A1, 30 MDMA tablets each weighing 12 grams was seized, which is a commercial quantity. However, he fairly conceded that there is no material as of now to connect the petitioners with the other accused. However, he vehemently opposed to grant bail to the petitioners.

6. Heard the learned counsel. Perused the counter filed by the learned Government Advocate (Crl.side) appearing for the respondent.

7. Taking into consideration the facts and submissions made by the learned counsel and that there is no material as of now to connect the petitioners with the other accused and also considering the period of incarceration of the petitioners, this Court is inclined to grant bail to the petitioners.



Crl.O.P.No.27504 of 2022

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8. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) with **two sureties (One among the sureties shall be a blood surety)**, each for a like sum to the satisfaction of **learned Judicial Magistrate No-II at Chengalpattu**, 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 everyday at 10.30 a.m., until further orders.

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

[d] the petitioners 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



Crl.O.P.No.27504 of 2022

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.

18.11.2022

mpl



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Crl.O.P.No.27504 of 2022

A.D.JAGADISH CHANDIRA, J.

mpl

To

1. The Judicial Magistrate No - II,
Chengalpattu.
2. The Inspector of Police,
T – 8 Guduvanchery Police Station,
Chennai.
3. Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.27504 of 2022

18.11.2022