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Crl.O.P.No.27535 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2022

CORAM

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

Crl.O.P.No.27535 of 2022

Akash

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
R-8, Vadapalani Police Station,
Chennai.
Crime No.288 of 2022

... Respondent

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

For Petitioner : Mr.S.Apunu

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 28.09.2022, for the offences punishable under Sections 8(c), 20(b),(II), (B), 25 of NDPS Act, 1985 in Crime No.288 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused were found in illegal possession of 11kgs of Ganja, out of which, 10.5kgs of Ganja were seized from the petitioner. Hence, the case

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that, even as per the prosecution, the contraband seized from the petitioner, which is 10.5kgs of ganja is not a commercial quantity. He would further submit that co-accused in this case had been granted bail by this Court in Crl.O.P.No.25777 of 2022 dated 04.11.2022. He would further submit that the petitioner is in custody from 28.09.2022 and he is prepared to abide by any stringent conditions that may be



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imposed by this Court and hence, he prays for grant of bail to the petitioner.

4. The respondent has filed a detailed counter.

5. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that, the petitioner along with other accused were found in possession of 11 kgs of ganja, out of which, 10.5 kgs of Ganja has been sized from the petitioner and 5 grams of ganja has been seized from A2. He would further submit that, there is no previous case pending against the petitioner. However, he opposed to grant bail to the petitioner.

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

7. Taking into consideration the facts and circumstances of the case, the submission made by the learned counsel and considering the period of incarceration and also considering that the petitioner has got no previous cases and also considering that co-accused in this case had been enlarged on bail, this Court is inclined to grant bail to the petitioner.

8. Accordingly, the petitioner is ordered to be released on bail on his



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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 **learned Metropolitan Magistrate Court at Saidapet** 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 twice daily at 10.30.a.m., and 05.30.p.m., until further orders.

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

[d] the petitioner 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 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 absconds, a fresh FIR can be registered under Section 229A IPC;



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To

1. The Metropolitan Magistrate Court at Saidapet.
2. The Inspector of Police,
R-8, Vadapalani Police Station,
Chennai.
3. Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.



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