



WEB COPY



Crl.OP.No.27941 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2022

CORAM

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

Crl.OP.No.27941 of 2022

Sultan Alavudheen

..Petitioner

Vs.

The State Represented by,
The Inspector of Police,
J-7, Velachery Police Station,
Chennai.
Crime No.418 of 2022

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in connection with Crime
No.418/2022 on the file of respondent police.

For Petitioner : Mr.P.Chandrasekar

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



CrI.OP.No.27941 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 31.08.2022 for the offences punishable under Sections 8(c) read with Section 22(c), 27(a), 25, 29, 32(b) and 35 of Narcotic Drugs & Psychotropic Substances Act, 1985 as amended by Act 9 of 2001 in Crime No.418 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioner along with other accused were found in possession of 4400 Nos of Tydol Tablets (each weighing 100 g). Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is medical representative of a pharmaceutical company namely Mankind Pharma Division and he has been falsely implicated in this case. He would further submit that, even as per the case of the prosecution, the alleged contraband seized from the petitioner is not a scheduled drug under NDPS Act. he would further submit that the petitioner has been suffering incarceration from 31.08.2022 and similarly placed accused had been granted bail by this Court in CrI.O.P.No.25333



Crl.OP.No.27941 of 2022

of 2022 dated 04.11.2022. Hence, 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 along with other accused were found in possession of 4400 Nos of Tydol Tablets (each weighing 100 g) and particularly 900 tablets were recovered from the petitioner. He would further submit that there is no previous case pending against the petitioner. However, he opposed for grant of bail to the petitioner.

5. Heard the learned counsels and also perused the materials available on record.

6. Taking into consideration the facts and submissions and the period of incarceration of the petitioner from the date of his arrest and also considering that the seized contraband is not a scheduled drug under NDPS Act and also considering that similarly placed accused in this case has been granted bail by this Court in Crl.O.P.No.27941 of 2022 dated



CrI.OP.No.27941 of 2022

04.11.2022, this Court is inclined to grant bail to the petitioner.

WEB COPY

7. 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 learned **18th Metropolitan Magistrate, 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 daily 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.



CrI.OP.No.27941 of 2022

[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.

15.11.2022

Sma

To

1. The 18th Metropolitan Magistrate,
Saidapet.
- 2 The.Inspector of Police,
J-7, Velachery Police Station,
Chennai.
- 3.Central Prison,
Puzhal.
- 4.The Public Prosecutor,
High Court of Madras



WEB COPY



Crl.OP.No.27941 of 2022

A.D.JAGADISH CHANDIRA, J.

Sma

Crl.O.P.No.27941 of 2022

15.11.2022