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CrI.O.P.No.28100 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2022

CORAM

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

CrI.O.P.No.28100 of 2022

Karthik

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Katpadi Police Station.
Vellore District.

(Crime No.339/2022).

... 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.339
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.C.C.Chellappan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.10.2022 for the offences punishable under Sections 8(c), 20(b)(ii)(B) Narcotic Drugs and Psychotropic Substances Act, 1985,, in Crime No.339 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 02.10.2022 at about 17.00hours, on receipt of a secret information about illegal transportation of Narcotic substances and the Sub-Inspector of Police along with the Police team conducted a vehicle check up, during which, the accused was found to be in possession of 8 Kilograms of Ganja in a Government Bus bearing registration No.TN-23-N-2497 and the respondent have seized the contraband under the cover of seizure mahazar in the presence of witnesses and registered a case in Crime No.339 of 2022 under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and since, there are other cases pending against the petitioner, the respondent, in order to curtail the activities of the



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petitioner, have implicated the petitioner in this false case. He further submitted that there is no previous case as against the petitioner under NDPS Act. He further submitted that even as per the prosecution, the alleged contraband is only an intermediate quantity. He also stated that the petitioner is in custody from 03.10.2022, hence, he prayed for grant of bail to the petitioner.

4. The respondent has filed a detailed counter in this case.

5. The Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner was found to be in illegal possession of 8 kilograms of Ganja. He would further submit that there are 2 previous cases pending as against the petitioner and he also submitted that no case is pending against him under NDPS Act. 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 perused the materials available on record.



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7. Taking into consideration the facts of the case and the submissions made by the learned counsel and taking note of the fact that the alleged contraband said to have recovered from the petitioner is an intermediate/in-between quantity and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.50,000/- (Rupees Fifty thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Special Judge for EC/NDPS Act Cases, Salem**, 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. and 5.30 p.m., until further orders;



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[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;

[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.

21.11.2022

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To

1. The Special Judge for EC/NDPS Act Cases,
Salem.
2. The Inspector of Police,
Katpadi Police Station,
Vellore District.
3. The Central Prison.
Salem.
4. The Public Prosecutor,
High Court of Madras.



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