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CrI.O.P.No.28183 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2022

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

CrI.O.P.No.28183 of 2022

Parthasarathy

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Nagapattinam Town Police Station.

(Crime No.329/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.329
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.T.Elumalai

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 29.10.2022 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.329 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 29.10.2022 at about 18.00hours, on receipt of a secret information about illegal transportation of Narcotic substances, entering the same in the General Diary, the Inspector of Police along with the Police team went to the scene of occurrence, where, they found that the petitioner along with the other accused were illegally transported 1.100 Kilograms of dry Ganja in a two wheeler bearing registration No.PY-02-U-4102 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.329 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, aged about 19 years is an innocent person studying in



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Government ITI College, Nagapattinam. He further submitted that he was falsely implicated in this case, since he travelled with A1 in bike. He also stated that the petitioner is no way connected with the alleged offence and he has no bad antecedents. He further stated that even as per the prosecution, the alleged contraband is only an intermediate quantity. He also submitted that the petitioner is in custody from 29.10.2022, 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 along with the other accused were illegally transported 1.100 kilograms of dry Ganja. He would further submit that there is no previous case pending as 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 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 is an intermediate/in-between quantity and also considering the age of 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.25,000/- (Rupees Twenty five thousand only)** with **two sureties** (out of which, one surety should be either father or mother of the petitioner and should produce document to show his/her means), each for a like sum to the satisfaction of the **learned Judicial Magistrate - I, Nagapattinam**, 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



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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 Judicial Magistrate - I,
Nagapattinam.
2. The Inspector of Police,
Nagapattinam Town Police Station.
3. The Sub Jail.
Nagapattinam.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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