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CrI.O.P.No.28457 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.28457 of 2022

Vanaparthi Bapiraju

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
NIB CID, Salem,
Salem District.

(Crime No.31/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in pending trial in Spl.C.C.No.84 of
2022 on the file of the learned Special Judge for EC/DNPS Cases, Salem.

For Petitioner : Mr.T.Muruganantham

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 16.06.2022 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.31 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 16.06.2022 at about 08.00hours, on receipt of a secret information about illegal transportation of Narcotic substances in train No.12626 Kerala Express, entering the same in the General Diary, the Special Inspector of Police along with the Police team conducted search, during which, they found that the petitioner was in illegal possession of 19 Kilograms of Ganja and the respondent have seized the contraband under the cover of seizure mahazar in the presence of witnesses and arrested the accused and registered a case in Crime No.31 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 he was falsely implicated in this



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case. He also stated that the petitioner is no way connected with the alleged offence and he has no bad antecedents. He further stated that investigation has been completed and the final report has also been filed before the learned Special Judge for EC/DNPS Cases, Salem. He also submitted that the petitioner is in custody from 16.06.2022, 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 in illegal possession of 19 kilograms of Ganja. He also stated that the respondent has completed the investigation and also filed the final report in Spl.C.C.No.84 of 2022 on the file of the learned Special Judge for EC/DNPS Cases, Salem. He also submitted that the petitioner is the resident of Andhra Pradesh and if bail is granted to the petitioner, there is every possibility for him to abscond and it would derail the trial. He further submitted that there is no previous case pending as against the petitioner, however, he opposed to grant bail to the petitioner.



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6. At this juncture, the learned counsel for the petitioner submitted that the petitioner has a permanent residence in Andhra Pradesh and to show his bonafide, he is prepared to deposit the original title deeds of an immovable property worth about Rs.10 lakhs. He also stated that the petitioner is ready to abide by any stringent condition that may be imposed by this Court and he is prepared to co-operate for speedy disposal of the trial. Therefore, he prays for grant of bail to the petitioner.

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

8. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also considering the fact that the petitioner is volunteered to deposit original title deeds of an immovable property worth about Rs.10 lakhs to the credit of the Spl.C.C.No.84 of 2022, this Court is inclined to grant bail to the petitioner with certain conditions.



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9. Accordingly, **the petitioner is directed to deposit the original title deeds of an immovable property not less than the value of Rs.10 lakhs (stands in the name of the petitioner or his relatives or his friends) to the credit of Spl.C.C.No.84 of 2022**, without prejudice to his rights and contentions before the trial Court and on such deposit, 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 a blood related surety and should produce document to show his/her means), 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 learned Special Judge for EC/NDPS Act Cases, Salem on all working days at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence



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or witness during 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,
NIB CID,
Salem District.
3. The Central Prison.
Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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