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Crl.OP.No.28443 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

CORAM

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

Crl.OP.No.28443 of 2022

Vijay @ Vijayabharath

... Petitioner

Vs.

The State rep by
The Inspector of Police,
Mettur Police Station,
Salem District.

(Crime No.166 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,

pleased to enlarge the petitioner on bail in Crime No.166 of 2022 pending
investigation on the file of the respondent police.

For Petitioner : Mr.R.Thirumoorthy

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 22.10.2022 for the offences punishable under Sections 8(c) r/w 20 (b) (ii) (B) of Narcotic Drugs and Psychotropic Substances Act 1985 & Section 77 of the Juvenile Justice (Care and Protection of Children Act) in Crime No.166 of 2022 on the file of respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with the other accused was found to be in illegal possession of 1200 grams of Ganja. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has nothing to do with the alleged offence. He would submit that the petitioner is aged about 22 years and he has no previous case pending against him. The petitioner is in custody for more than a month. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (crl.side) appearing for the



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respondent would submit that the petitioner along with the other accused was found to be in possession of 1200 grams of Ganja. He would further submit that there is no previous case pending against the petitioner. However, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials available on record including the First Information Report.

6. Taking into consideration of the facts and circumstances of the case and the quantity of the contraband and the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner.

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**, in which, one surety should be either father or mother of the petitioner, each for a like sum to the satisfaction of the **learned Principal Special Judge for EC/NDPS Court, Salem** and on further conditions that:



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[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;

[c] the petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders;

[d] the petitioner shall not abscond either during investigation or trial;

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

[f] 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]**;



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[g] If the accused thereafter abscond, a fresh
FIR can be registered under Section 229A IPC.

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To

1. The learned Principal Special Judge for EC/NDPS Court, Salem
2. The Inspector of Police,
Mettur Police Station,
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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