



WEB COPY



CrI.O.P.No.28833 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2022

CORAM

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

CrI.O.P.No.28833 of 2022

Azarudheen @ Kakka

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Maduranthagam Police Station,
Kanchipuram District.

(Crime No.541 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.541 of 2022 pending on
the file of the Inspector of Police, Maduranthagam Station, Kanchipuram
District.

For Petitioner : Mr.R.Thamarai Selvan

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



WEB COPY



Crl.O.P.No.28833 of 2022

ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.10.2022 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.541 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 05.10.2022 at about 15.00 hours, on receipt of a secret information about the illegal sale of Ganja, the Sub-Inspector of Police along with his team went to the place of occurrence, wherein, the petitioner along with other accused were found in illegal possession of 1.250 kilograms of Ganja and the respondent have seized the contraband under the cover of seizure mahazar and registered a case in Crime No.541 of 2022 under Sections 8(c) r/w 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person who is arrayed as A2 in this case. He further submitted that even as per the prosecution, the alleged contraband is



Crl.O.P.No.28833 of 2022

stated to have been recovered is an intermediate quantity and it has been recovered only from A1 and no contraband is recovered from the petitioner. He also submitted that there is no previous case as against the petitioner under NDPS Act. He also stated that the petitioner is in custody from 05.10.2022 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioner.

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

5. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner, who is arrayed as A2 in this case, along with two other accused were in illegal possession of 1.250 kilograms of Ganja. He further submitted that the respondent have arrested the accused and seized the contraband. He also submitted that the petitioner has got one previous case. Hence, 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.



CrI.O.P.No.28833 of 2022

WEB COPY

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel that the contraband is recovered only from A1 and it is also an intermediate quantity and also considering the fact that there is no previous case as against the petitioner under NDPS Act, 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) each** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Maduranthagam** 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;



Crl.O.P.No.28833 of 2022

[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.

29.11.2022

ham
To

1. The Judicial Magistrate No.I, Maduranthagam
2. The Inspector of Police,
Maduranthagam Police Station,
Kanchipuram District.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.28833 of 2022

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.28833 of 2022

29.11.2022