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CrI.O.P.No.29566 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2022

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THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.29566 of 2022

Umaith Singh @ Umad Singh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
R.S.Puram Police Station,
Coimbatore City.

(Crime No.313/2022).

... 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.313
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.T.Nixon

For Respondent : Mr.S.Vinoth KUMar
Government Advocate (CrI.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.09.2022 for the alleged offences punishable under Sections 272, 273, 328 of IPC and Sections 6 and 24(1) of Cigarette and Other Tobacco Products Act and Sections 8(c) r/w 20(b)(ii)(c) and 25 of the NDPS Act in Crime No.313 of 2022, seeks bail.

2. The case of the prosecution is that on 19.07.2022, when the respondent police were in patrol duty, they received a secret information about illegal transport of narcotic substances, after receiving the information, immediately the respondent police had rushed to the spot, where they found A1/Kethan Kumar. On search, they found 26.400 kg Ganja Mittai, 81 kgs Vimal, 15.5 kgs – Coolip, 30.5 kgs of Baula Tobacco, 2 kgs – Sangar tobacco, 1 kg chaini, 6.5 kgs – swagath and some other tobacco products from A1. Based on the above, a case was registered by the respondent Police in Crime No.313 of 2022. Later, based on the confession recorded from A1, A3 was arrested and based on his confession, 1.100 kg -Ganja Mittai and 17 kgs of Coolip was recovered. Hence the complaint.



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3. The learned counsel appearing for the petitioner would submit that the petitioner was arrested on 15.09.2022 and the allegation that the petitioner was found in possession of 1.100 kg -Ganja Mittai and 17 kgs of Coolip, other than that nothing else has been recovered from the petitioner. He would further submit that the petitioner does not know the other accused and the respondent police taking into consideration the entire contraband recovered from the other accused, has stated as it is a commercial quantity. Hence, he seeks for grant of bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner is arrayed as A3 in this case. He would further submit that the petitioner was found to be in possession of 1.100 kg -Ganja Mittai and 17 kgs of Coolip. The contraband from all the accused have been recovered. He would further submit that in the preliminary enquiry, it has been stated that all the accused are friends and known to each other. However, he vehemently opposed to grant bail to the petitioner.



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5. Heard the learned Counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent Police and perused the materials available on record.

6. Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsel and also the fact the respondent has not produced any materials to show that there was relationship between the petitioner and the other accused and also taking into consideration of the fact that the quantity recovered from him is only 1.100 kg -Ganja Mittai and 17 kgs of Coolip, this Court is of the opinion that the petitioner has prima facie satisfied that the conditions under Section 37 of the NDPS Act for grant of bail.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate - I, Coimbatore**, and on further conditions that:

[a] if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from



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the date of receipt of a copy of this order, this order shall stand automatically cancelled;

[b] 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., for a period of two months;

[d]the petitioner shall not tamper with evidence or witness during trial;

[e]the petitioner shall not abscond during 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]***; and;

[g]if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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T.V.THAMILSELVI,J.

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To

- 1.The Judicial Magistrate – I,
Coimbatore,
- 2.The Inspector of Police,
R.S.Puram Police Station,
Coimbatore City.
- 3.The Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.

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