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Crl.OP.No.29302 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2022

CORAM

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

Crl.OP.No.29302 of 2022

Sarathkumar

... Petitioner

Vs.

State of Tamil Nadu,
Represented by:
The Inspector of Police, Law & Order,
C-2, Elephant Gate Police Station,
Chennai.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.280 of 2022 on the file
of the respondent police.

For Petitioner : Mr.B.Kalaiarasan

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 24.07.2022 for the offences punishable under Sections 8(c), 20(b)(ii)(c), 22(c), 25 and 29(1) of NDPS Act in Crime No.280 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 possession of 1.100 kgs of dry Ganja, Methamphetamine-8 g, 1200 Nitravet Tablet (12g) and 1.200 kg of dry 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 contraband recovered from the petitioner is a non commercial quantity. The petitioner is in custody for the past 128 days. The petitioner is aged about 26 years. The co accused in this case has been granted bail by this Court in Crl.O.P.No.25139 of 2022 dated 11.11.2022. Therefore, he prays for grant of bail to the petitioner.



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4. The respondent has filed a detailed counter.

5. The learned Government Advocate (crl.side) appearing for the respondent would submit that the petitioner along with the other accused was found to be in possession of 1.100 kgs of dry Ganja, Methamphetamine-8 g, 1200 Nitravet Tablet (12g) and 1.200 kg of dry Ganja. The contraband recovered from the accused is a non commercial quantity. He would submit that there is no previous case pending against the petitioner. However, he vehemently opposed to grant bail to the petitioner.

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

7. Taking into consideration of the facts and circumstances of the case and also considering the fact that the contraband recovered from the petitioner is a non commercial quantity and the rigours of Section 37 will not be applicable to him, this Court is inclined to grant bail to the petitioner.



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8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.50,000/- (Rupees Fifty thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate VIII, George Town, Chennai** 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 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



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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

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To

1. The learned Judicial Magistrate VIII, George Town, Chennai.
2. The Inspector of Police, Law & Order, C-2, Elephant Gate Police Station, Chennai.
3. The Central Puzhal Jail, Chennai.
4. The Public Prosecutor, High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.

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Crl.O.P.No.29302 of 2022

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