



Crl.O.P.No.30406 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2022

CORAM

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

Crl.O.P.No.30406 of 2022

Navin

... Petitioner

Vs.

The State represented by,  
The Inspector of Police,  
T-15, SRMC Police Station,  
Chennai.

(Crime No.479/2022).

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.,  
pleaded to enlarge the petitioner on bail in connection with the Crime No.479  
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.K.Tamilvanan

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



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## **ORDER**

The petitioner, who was arrested and remanded to judicial custody on 13.09.2022 for the alleged offences punishable under Sections 8(c) r/w 22(c) of the NDPS Act in Crime No.479 of 2022, seeks bail.

2.The case of the prosecution is that on 23.08.2022, on receipt of a secret information about the illegal sale of drugs, the Inspector of Police, along with his team went to the place of occurrence, wherein, the petitioner along with the other accused was found in illegal possession of LSD stamps – 9 nos (0.14 grams) and Ecstasy Pill – 5 nos (2.6 grams) and MDMA Powder – 13.5 grams and the respondent have seized the contraband and arrested the accused. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would also submit that no contraband has been recovered from the petitioner and there is no previous case as against the petitioner. He would also submit that the petitioner is in custody from 13.09.2022 and he is ready to abide by stringent conditions that may be imposed by this Court. Hence, he



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prays for grant of bail to the petitioner.

4.Per contra, the learned Government Advocate (Crl.Side) submitted that the petitioner along with other accused was found in illegal possession of LSD stamps – 9 nos (0.14 grams) and Ecstasy Pill – 5 nos (2.6 grams) and MDMA Powder – 13.5 grams. He would further submit that the payment for the drug dealer was done by the petitioner through bit coins and other crypto currencies. He further submitted that there is no previous case pending against the petitioner. However, he opposed for grant of bail to the petitioner.

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

6.Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the



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event of arrest or on his appearance before the learned **Judicial Magistrate Court No.I, Poonamallee**, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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 every daily at 10.30 a.m., for a period of three months;

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

[d]the petitioner shall not abscond 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



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the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala*  
[(2005) AIR SCW 5560]; and;

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

**12.12.2022**

*vr*

To

- 1.The Judicial Magistrate No.I,  
Poonamallee.
- 2.The Inspector of Police,  
T-15, SRMC Police Station,  
Chennai.
- 3.The Central Prison,  
Puzhal, Chennai.
4. The Public Prosecutor,  
High Court of Madras.



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**T.V.THAMILSELVI,J.**

*vk*

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