



Crl.O.P.No.30267 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2022

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

Crl.O.P.No.30267 of 2022

Rahiman

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kadambathur Police Station,
Tiruvallur District.

(Crime No.76 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending in Crime No.76 of 2022
pending on the file of the respondent.

For Petitioner : Mr.N.Senthil Kumar

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 11.04.2022 for the alleged offences punishable under Sections 8(c), 20(b)(ii)(B), 22(b), 22(c), 25, 29(1) of Narcotic Drugs and Psychotropic Act, 1985, in Crime No.76 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 11.04.2022, on receiving a secret information, the respondent police went to the scene of occurrence, wherein they found that the accused were in illegal possession of 25 LSD Stamps, 26 Nos. of MDMA Tablets, 1 gram Methcrystal, 1590 tablets of YABA tablets and 2.5 kilograms of Ganja. The respondent Police seized the contraband and arrested the accused and registered the case in Crime No. 76 of 2022 for the offence under 8(c), 20(b)(ii)(B), 22(b), 22(c), 25, 29(1) of Narcotic Drugs and Psychotropic Act, 1985. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also stated that this is the second bail application before this Court



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and the earlier bail application was dismissed as withdrawn. He also submitted that the petitioner is in custody from 11.04.2022 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. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner (A7) along with the other accused were found to be in illegal possession of 25 LSD Stamps, 26 Nos. of MDMA Tablets, 1 gram Methcrystal, 1590 tablets of YABA tablets and 2.5 kilograms of Ganja. He also stated that as far as the present petitioner is concerned, 1500 nos. of Yaba tablets which is a mixture of Methamphetamine and Caffeine (160 grams) were recovered from him and the alleged contraband is a commercial quantity. He further stated that the major part of the investigation is over. Hence, he vehemently opposed to grant bail to the petitioner.

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



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6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and also taking note of the fact that major part of the investigation is over and also considering the period of incarceration undergone by the petitioner, this Court is of the opinion that the petitioner has made out a *prima facie* case satisfying the conditions required under Section 37 of 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 IX Metropolitan Magistrate Court, Saidapet, 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 on every Wednesday at 10.30 a.m., until further orders;



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[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.

19.12.2022

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To

1. The IX Metropolitan Magistrate Court, Saidapet, Chennai.
2. The Inspector of Police, Kadambathur Police Station, Tiruvallur District.
3. The Central Prison, Puzhal.
4. The Public Prosecutor, High Court of Madras.



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T.V.THAMILSELVI,J.

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