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Crl.O.P.No.1233 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2023

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

Crl.O.P.No.1233 of 2023

Panneer @ Pannerselvam

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
P-1, Pulianthope Police Station,
Chennai.

(Crime No.1169 of 2020).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,

pleased to enlarge the petitioner on bail pending trial in C.C.No.97 of 2021

on the file of the learned I Additional Special Judge for NDPS Act Cases,

Chennai.

For Petitioner : Mr.O.Chembulingam

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



Crl.O.P.No.1233 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.10.2020 for the alleged offences punishable under Sections 8(c) r/w 20(b)(ii)(B)(C), 25, 29(1) of Narcotic Drugs and Psychotropic Act, 1985, in Crime No.1169 of 2020 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 03.10.2020, 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 25.500 kilograms of Ganja, which is a commercial quantity. The respondent Police seized the contraband and arrested the accused and registered the case in Crime No. 1169 of 2020 for the offence under 8(c), 20(b)(ii)(B)(C), 25, 29(1) of Narcotic Drugs and Psychotropic Act, 1985. Hence the case.

3. Learned counsel appearing for the petitioner submitted that this is the third bail application of the petitioner before this Court and this Court had earlier dismissed the bail applications filed by the petitioner in Crl.O.P.Nos.4580 & 14221 of 2022 vide orders dated 04.03.2022 and



Crl.O.P.No.1233 of 2023

21.06.2022 respectively. He further submitted that as per the prosecution, the respondent seized the contraband for about 25 kilograms from all the five accused and in respect of the petitioner herein, only 1.5 kilograms of Ganja was recovered. He also submitted that the petitioner is in custody from 03.10.2020 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 (A5) along with the other accused conspired together and transported about 25.500 kilograms of Ganja, which is a commercial quantity. He also stated that this is the third bail application of the petitioner. He further submitted that one previous case is pending as against the petitioner and the case is now ripe of trial in C.C.No.97 of 2021 on the file of the learned I Additional Special Judge for NDPS Act Cases, Chennai. However, 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.



Crl.O.P.No.1233 of 2023

WEB COPY

6. Considering the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and also considering the period of incarceration undergone by this 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 on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties** (out of which, one should be the blood surety, who should produce document to show his/her means), each for a like sum to the satisfaction of the **learned I Additional Special Court for NDPS Act Cases, 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, except on all hearing dates before the learned Magistrate concerned, shall report before the respondent Police on every Wednesday & Saturday at 10.30 a.m., until completion of trial;



Crl.O.P.No.1233 of 2023

[c] the petitioner shall not abscond during trial

[d] the petitioner shall not tamper with evidence or witness 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 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.

30.01.2023

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To

1. The I Additional Special Court for NDPS Act Cases,
Chennai,.
2. The Inspector of Police,
P-1, Pulianthope Police Station,
Chennai.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.1233 of 2023

T.V.THAMILSELVI,J.

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Crl.O.P.No.1233 of 2023

30.01.2023