



Crl.O.P.No.763 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.01.2023

CORAM :

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

Crl.O.P.No.763 of 2023

Vishal Jain

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
T-3, Pallavaram Police Station,
Pallavaram, Chennai
(Crime No.1031 of 2022)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1031 of 2022 pending on the file of respondent police.

For Petitioner : Mr.R.C.Paul Kanagaraj

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



Crl.O.P.No.763 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.12.2022 for the alleged offence under Sections 8(c) r/w. 20(b)(ii)(B), 29(i) and Section 25 of NDPS Act in Crime No.1031 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused was found in illegal possession of 1.100 Kgs of Ganja. Hence, the case.

3. The learned Counsel 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 without prejudice. He further submitted that the petitioner has been suffering incarceration from 23.12.2022. He is prepared to abide by any stringent conditions that may be imposed by this Court and hence, he prays for grant of bail to the petitioner.



Crl.O.P.No.763 of 2023

WEB COPY

4. The learned Government Advocate (Crl. Side) submits that the petitioner along with other accused was found in illegal possession of 1.100 kgs of Ganja. He would submit that the investigation has been completed and there is no previous case pending against the petitioner. He further submit that property was not seized. 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) and perused the materials available on record.

6.Taking into consideration the facts and submissions and the period of incarceration of the petitioner from 23.12.2022, this Court is inclined to grant bail to the petitioner.

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)



CrI.O.P.No.763 of 2023

WEB COPY

with two sureties, out of which one should be a blood related surety each for a like sum to the satisfaction of **learned Principal Special Judge Court under EC and NDPS Act at 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 Saturday at 10.30 a.m for a period of three months and thereafter as and when required for interrogation;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond 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



WEB COPY



CrI.O.P.No.763 of 2023

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;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

12.01.2023

jai

To

1. The Principal Special Judge Court under EC and NDPS Act ,
Chennai
2. The Inspector of Police,
T-3, Pallavaram Police Station,
Pallavaram, Chennai
3. The Central Prison Puzhal,
Puzhal
4. The Public Prosecutor,
High Court of Madras, Chennai.



WEB COPY



Crl.O.P.No.763 of 2023

T.V. THAMILSELVI, J.

jai

Crl.O.P.No.763 of 2023

12.01.2023