



Crl.O.P.No.6947 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2023

CORAM

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

Crl.O.P.No.6947 of 2023

1.Nur Zamal

2.Nakbur Rahaman

3.Merajul Islam

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
PEW Guduvanchery Police Station,
Chennai.
(Crime No.18 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail pending investigation in
Crime No.18 of 2023, on the file of respondent Police.

For Petitioners : Mr.G.Nirmal Krishnan

For Respondent : Mr.C.E.Pratap
Government Advocete (crl.side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 02.02.2023 for the offences punishable under Section 8(c), r/w 21(b), 20(b)(ii)(B) and 29(1) of NDPS Act, 1985 in Crime No.18 of 2023, on the file of the respondent Police, seek bail.

2.The case of the prosecution is that the petitioners were found to be in illegal possession of 7 grams of Heroin and 1.300 grams of ganja. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that they are the natives of Assam and they have come to Tamil Nadu for masonry work, during such time, some persons have entrusted some baggage to handed over to person from their native place and without knowing the contents they have brought the contraband. He further submit that the petitioners are in judicial custody from 02.02.2023 and they have no previous cases pending against them. He further submit that the petitioners are ready to furnish adequate sureties for their release on bail and



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also they abide by any condition that may be imposed on them. Hence, he seeks for grant of bail to the petitioner.

4.The learned Government Advocate (crl.side) for the respondent would submit that the petitioners who are natives of Assam were found to be in possession of was found in illegal possession of 7 grams of Heroin and 1.300 grams of ganja. He would submit that there is no previous case pending against the petitioners. 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 either side of the learned counsel and also taking note of the fact that the contraband involved is in-between quantity, this Court is inclined to grant bail to the petitioners on certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail



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on their executing a separate bond for a sum of **Rs.15,000/- (Rupees Fifteen thousand only)** with **two sureties**, out of which, one surety must be a blood relative surety, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Tambaram**, 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] (i) the petitioners shall report before the respondent Police everyday at 6.30 p.m., until further orders;

(ii) the petitioners shall also produce necessary proof to show their permanent residence before the learned Magistrate concerned at the time of execution of bond.

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the



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petitioners 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.

28.03.2023

drl

To

1. The Judicial Magistrate No.I,
Tambaram.
2. The Inspector of Police,
PEW Guduvanchery Police Station,
Chennai.
3. The Superintendent,
Central Jail, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

drl

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