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CrI.O.P.No.7823 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.7823 of 2023

E.Vasantha Kumar

... Petitioner

Vs.

State rep. by
Inspector of Police,
NIB – CID,
Chennai.
(Cr.No.19 of 2020)

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioner on bail, pending in C.C.No.1 of 2021 before the Principal Special Judge, Special Court under EC & NDPS Act, Chennai.

For Petitioner : Mr.M.G.Martinmanivannan
For Respondent : Mr.R.Murthi
Government Advocate (CrI. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 18.07.2020 for the offence under Sections 8(c), 20(b)(ii)(c), 25 and 29(1) of NDPS Act, 1985 in Cr.No.19 of 2020 on



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the file of the respondent police, seeks bail.

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2.The case of the prosecution is that on 18.07.2020 at about 7.00 hours, the respondent police based on the secret information received intercepted a TATA 1109 vehicle bearing registration No.TN-02-BQ-4594 AT Madhavaram Roundtana and seized 74 Kgs. of Ganja from A1 to A3. Thereafter based on the confession statement given by them, the respondent police found A4 and A5 waiting in Honda Activa bearing registration No.TN 10 BK 5317 and seized 31 Kgs. of Ganja from them. The petitioner is arrayed as A4.

3.The learned counsel appearing for the petitioner would submit that in respect of seizure and arrest, the respondent police has not followed the mandatory procedure as contemplated under NDPS Act. Further at the time of seizure, the petitioners were very much available in their house. He would further submit that A1 and A3 in the case have already been granted bail by this Court in Crl.O.P.Nos.5551 and 7891 of 2023.

4.The learned Government Advocate (Crl. Side) submitted that contraband seized was more than the commercial quantity, however,



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did not dispute the fact that A1 and A3 in the case have already been granted bail by this Court.

5.Considering the fact that A1 and A3 in the case have already been granted bail by this Court in CrI.O.P.Nos.5551 and 7891 of 2023 and considering the period of incarceration undergone by the petitioner, I am inclined to grant bail to the petitioner.

6.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 Principal Special Judge, Special Court under EC & NDPS Act, Chennai and on further condition 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 learned Principal Special Judge, Special Court under EC & NDPS Act, Chennai, on all working days at 10.30 a.m., for a period of two weeks and thereafter on the dates fixed by the learned Trial Judge. It is made clear that the



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petitioner shall not move out of Chennai City without intimating the respondent police;

(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 petitioners 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]***; and;

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

27.04.2023

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No



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To

- 1.The Principal Special Judge,
Special Court under EC & NDPS Act,
Chennai.
- 2.The Inspector of Police,
NIB – CID,
Chennai.
(Cr.No.19 of 2020)
- 3.The Central Prison,
Puzhal.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



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M.DHANDAPANI,J.
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