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Crl.O.P.No.8548 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2023

CORAM

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

Crl.O.P.No.8548 of 2023

Arun@le

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
T-15 (J-11) Kannagi Nagar Police Station,
Chennai.

(Crime No.274 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in pending trial in C.C.No.184 of
2022 on te file of the 1st Additional Special Judge NDPS Court, Chennai.

For Petitioner : Mr.C.V.Kumar

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.07.2022, for the alleged offence punishable under Sections 8(c), 20(b) (ii)(B), 25 and 29(1) of the NDPS Act, in Crime No.274 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 14.07.2022 at about 19.00 hours, on receipt of a secret information, the respondent Police has conducted a vehicle check up, at that time, the petitioner/A1 along with other accused was found in possession of 2 kgs of Ganja. Hence the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and a false complaint has been given. He would submit that even as per the prosecution, the quantity of contraband stated to have been recovered from the petitioner is 2 kgs only, which is an intermediate quantity. He would submit that earlier, the petitioner was detained under Act 14 and the same was quashed by this Court in H.C.P.No.2478 of 2022 dated 27.03.2023. He further submitted that the



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petitioner is in custody from 15.07.2022 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/A1 along with other accused was found in possession of 2 kgs of Ganja, which is an intermediate quantity. He further submitted that the petitioner has got five previous cases, out of which, one is of similar in nature. He would submit that charge sheet has been filed and the case has also been taken up on the file of the learned 1st Additional NDPS Court, Chennai in C.C.Nos.184 of 2022. 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 circumstances of the case, the submissions made by the learned counsel for the petitioner and also



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considering the period of incarceration undergone by the 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.15,000/- (Rupees Fifteen 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 1st Additional Special Judge NDPS Court, 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 1st Additional NDPS Court, Chennai, on all working days at 10.30 a.m., for a period of four weeks and thereafter on the date fixed by the learned trial Judge.

[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,



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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.

24.04.2023

mpa

To

1. The 1st Additional Special Judge NDPS Court, Chennai.
2. The Inspector of Police,
T-15 (J-11) Kannagi Nagar Police Station,
Chennai.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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