



Crl.O.P.No.8248 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2023

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

Crl.O.P.No.8248 of 2023

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... Petitioner

Vs.

The State represented by,
The Inspector of Police,
T-3, Pallavaram Police Station,
Chennai.
(Crime No.810 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail pending investigation in
Crime No.810 of 2022, on the file of respondent Police.

For Petitioner : Mr.A.M.Ravindranatha Jeyapal
For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.10.2022 for the offences punishable under Section 8(c), r/w 22(b), 27(a) and 25 of NDPS Act, 1985 in Crime No.810 of 2022, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 11.10.2022, on receipt of a secret information regarding illegal transportation of narcotic substance, the Sub-Inspector of Police along with the Police team went to the scene of occurrence and intercepted the accused persons, who were found in illegal transportation of 1300 nos of Nitravet tablets and 1700 nos of Tydol tablets in their possession. The respondent have seized the contraband under the cover of seizure mahazar and arrested the accused persons. Hence the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person, who was studying B.E.Computer Science 3rd year in Vels University, Pallavaram and he has been falsely implicated in this case. He also stated that the petitioner is no way connected with the alleged offence and he is in custody from 11.10.2022. He further submitted that the bail petition filed before the Principal Special Judge, for NDPS cases in



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Crl.M.P.No.5851 of 2022 was dismissed on 14.11.2022 and the bail petition filed before this Court in Crl.O.P.No.29589 of 2022 was dismissed on 12.12.2022 and Crl.O.P.No.32688 of 2022, was dismissed on 21.03.2023. He also further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that the petitioner along with the other accused had illegally transported 1300 nos of Nitrovet tablets and 1700 nos of Tydol tablets, which is a commercial quantity. He would also submit that the forensic lab report has been received. He would further submit that there is no previous case pending against the petitioner. Therefore, he opposed to grant bail to the petitioner.

5. Taking into consideration the facts and the submissions made by both side counsels and the investigation was completed and in between quantity was recovered and also he is a student and there is no previous cases and considering the change of circumstances, this Court is inclined to grant bail to the petitioner with certain conditions.



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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 (one surety must be a blood related surety), for a like sum to the satisfaction of the Principal Special Judge for EC/NDPS, 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 respondent police daily at 5.00 p.m. for a period of four months and thereafter as and when required for interrogation and also appear before the trial Court on every hearing dates without fail.

(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 conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down



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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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To

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



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T.V.THAMILSELVI,J.

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