



Crl.O.P.No.8372 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2023

CORAM

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

Crl.O.P.No.8372 of 2023

Syed Abubakkar

... Petitioner

Vs.

State represented by
The Inspector of Police,
PEW -Washermenpet Police Station,
Chennai.

Crime No.370 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,

pleased to release the petitioner on bail in Crime No.370 of 2022 pending on
the file of the respondent police.

For Petitioner : Mr.S.Mohamed Ansar

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

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 31.01.2023 for the offences punishable under Sections 8(c) and
20(b)(ii)(C) of NDPS Act in Crime No.370 of 2022 on the file of the



Crl.O.P.No.8372 of 2023

respondent police, seeks bail.

2. The case of the prosecution is that on 18.12.2022 at about 09.30 hours, on receipt of a secret information about the illegal transportation of Narcotic substance, the Inspector of Police along with his team went to the place of occurrence, wherein, A1 was found in illegal possession of 20.400 kgs of Ganja and the respondent have seized the contraband under the cover of seizure mahazar and registered a case in Crime No.370 of 2022 under Sections 8(c), 20(b)(ii)(C) Narcotic Drugs and Psychotropic Substances Act, 1985. Later, based on the confession recorded from A1, the petitioner herein/A2 had purchased the ganja from Andhra Pradesh and handed over the same to him, for which, the petitioner has been implicated in this case. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case, based on the confession statement recorded from A1. He further submitted that there is absolutely no recovery from the petitioner and other than the alleged confession statement which is stated to have been recorded from A1, there is



Crl.O.P.No.8372 of 2023

no other materials to connect the petitioner in the crime. He further submitted that the petitioner was arrested on 31.01.2023, hence, he prayed for grant of bail to the petitioner.

4. The respondent has filed a detailed counter.

5. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner is the friend of A1 and A1 was arrested by the respondent Police, since he was found to be in illegal possession of 20.400 kgs of Ganja and he has confessed that the petitioner is a person, who has purchased the ganja from Andhra Pradesh and handed over the same to him. He would further submit that the petitioner has got one previous case of similar in nature and final report has been filed in the earlier case in C.C.No.130 of 2021 before the I Additional Special Judge for EC and NDPS Act cases, Chennai. Hence, he opposed for granting bail to the petitioner.

6. In reply, the learned counsel for the petitioner submitted that the petitioner was granted bail in the earlier case in C.C.No.130 of 2021 and only in order to put the petitioner under fetters, the respondent has registered



Crl.O.P.No.8372 of 2023

a false case against the petitioner. He further submitted that the petitioner, without prejudice to his defense and contention, is ready and willing to deposit an amount of Rs.25,000/- to any welfare scheme run by the Government. Hence, he prays for grant of bail to the petitioner.

7. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

8. On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of "**The Government Kilpauk Medical College Hospital, Kilpauk, Chennai**", without prejudice to his rights and contentions before the trial Court.

9. Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.



CrI.O.P.No.8372 of 2023

WEB COPY

10. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the fact that the petitioner has come forward to deposit an amount of Rs.25,000/- to the credit of the **"The Government Kilpauk Medical College Hospital, Kilpauk, Chennai"** and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

11. Accordingly, the petitioner is ordered to be released on bail on condition to make a non-refundable deposit of Rs.25,000/- (Rupees Twenty Five Thousand only) by way of **Demand Draft/RTGS/NEFT to the "The Government Kilpauk Medical College Hospital, Kilpauk, Chennai, "Hospital Maintenance Fund", Canara Bank, Kilpauk Branch, A/c.No.1650101005396, IFSC Code : CNRB0001650, MICR Code : 600015050"**, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, 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 for EC and NDPS Act**



Crl.O.P.No.8372 of 2023

cases, 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, everyday at 6.30 p.m., until further orders;

[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, 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.

18.04.2023

vkrr

To



Crl.O.P.No.8372 of 2023

WEB COPY

1. The Principal Special Judge for EC and NDPS Act cases, Chennai.
2. The Inspector of Police,
PEW -Washermenpet Police Station,
Chennai.
3. The Central Prison II, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.8372 of 2023

A.D.JAGADISH CHANDIRA.,J.

vk

Crl.O.P.No.8372 of 2023

18.04.2023