



CrI.OP.No.10063 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.05.2023

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No.10063 of 2023

Addepalli Ganesh

... Petitioner

Vs.

State Rep by
The Inspector of Police,
NIB CID,
Kancheepuram
Crime No.27 of 2022

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in C.C.No.132 of 2023 on the file of I Additional Special Court for NDPS Judge at Chennai in Crime No.27 of 2022 on the file of the respondent.

For Petitioner : Mr.K.A.M.Jagadish Kumar

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor



WEB COPY



Crl.OP.No.10063 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.08.2022 for the offences punishable under Sections 8(c), read with Section 20(b)(ii)(C) & 29(1) of the NDPS Act in Crime No.27 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused were found in illegal possession of 22 kgs of ganja. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that, co-accused in this case was granted bail by this Court in Crl.O.P.No.7864 of 2023 on 25.04.2023. Hence, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner along with other accused were found in possession of 22



CrI.OP.No.10063 of 2023

kgs of ganja. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the fact that the contraband seized from the petitioner is not a commercial quantity and also the period of incarceration by the petitioner and also considering the fact that the co-accused was granted bail, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner shall donate a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of “LOVERS OF TRUTH, UNITY & SERVICE”, A/c. No.611901075128, IFS Code: ICIC0006119, Cell No.9600416555, by producing his Aadhar number, PAN number and address. On such donation, 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 Ist Additional Special Judge for EC and NDPS Act Cases at Chennai and on further conditions that :-



CrI.OP.No.10063 of 2023

[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 donate a sum of Rs.20,000/-(Rupees Twenty Thousand only), to the credit of the “LOVERS OF TRUTH, UNITY & SERVICE”, A/c. No.611901075128, IFS Code: ICIC0006119 by producing his/her Aadhar number, PAN number and address. The receipt of such donation shall be produced before the concerned Magistrate at the time of executing the bond;

[c] the petitioner shall report before the respondent police daily at 10.30.a.m., for a period of four weeks and thereafter report before the respondent police as and when required for interrogation.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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



CrI.OP.No.10063 of 2023

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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

04.05.2023

Sma

To

1. Ist Additional Special Judge for EC and NDPS Act Cases at Chennai

2.The Inspector of Police,
NIB CID,
Kancheepuram

3.“LOVERS OF TRUTH, UNITY & SERVICE”
LOTUS Home,
855, Rohini Gardens,
Periya Pudur,
Salem 636 016

4. Central Prison -II,
Puzhal.

5.The Public Prosecutor,
High Court of Madras



WEB COPY



Crl.OP.No.10063 of 2023

G.K.ILANTHIRAIYAN, J.

Sma

Crl.OP.No.10063 of 2023

04.05.2023