



CrI.O.P.No.10678 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.05.2023

CORAM

THE HON'BLE MR. JUSTICE **SUNDER MOHAN**

CrI.O.P.No.10678 of 2023

Dilip Yadav

... Petitioner

Vs.

The State represented by
The Inspector of Police,
P.E.W-Triplicane Police Station,
P.E.W East, Chennai.
(Crime No.100 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the case in
Crime No.100 of 2023 on the file of the respondent police.

For Petitioner : Mr.R.Vivekananthan

For Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 23.03.2023, for the offences punishable under Sections 8(c),
20(b) (ii) (B) of NDPS Act, in Crime No.100 of 2023, on the file of the
respondent police, seeks bail.



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2. The case of the prosecution is that on 23.03.2023, while the respondent police along with his team was on patrol duty, the petitioner was found in possession of 10.400 kgs. of Ganja chocolates in a brown bag. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is native of Bihar and that he has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 23.03.2023 and he is ready to abide by any stringent conditions and also ready to furnish local sureties. Hence, he prayed for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police vehemently opposed to grant bail to the petitioner stating that the petitioner was found in possession of 10.400 kgs of Ganja chocolates and that he is native of Bihar.

5. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor for the respondent police and perused the materials available on record.



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6. Considering the facts and circumstances of the case and the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant of 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.25,000/- (Rupees Twenty Five Thousand Only)** with **two sureties out of which, one surety should be a local surety each** for a like sum to the satisfaction of the learned XIV Metropolitan Magistrate, Egmore, 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 10.30 a.m. until further orders;**

[c] **at the time of furnishing sureties, the local surety shall convince the learned Magistrate with regard to his/her permanent residence;**

[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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

10.05.2023

ssi/kmi

To

1. The XIV Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
P.E.W-Triplicane Police Station,
P.E.W East, Chennai
3. The Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN,J.,

ssi/kmi

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