



Crl.O.P.No.11489 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2023

CORAM

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

Crl.O.P.No.11489 of 2023

Mr.Santhosh @ Santhoshkumar

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
B-2, Vishnu Kanchi Police Station,
Kanchipuram District.

(Crime No.637 of 2022)

... Respondent

Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail, in C.C.No.447 of 2022, pending on
the file of the learned Principal Special Judge under EC & NDPS Act at
Chennai.

For Petitioner : Mr.A. Saranraj

For Respondent : Mr.N. Muthuvel,
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.08.2022, in connection with Crime No.637 of 2022 registered for the offence punishable under Sections 8(C), 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985, seeks bail.

2. The case of the prosecution is that the de-facto complainant along with other police officials conducted routine raid, wherein they found the petitioner was in illegal possession of 2 kgs of Ganja and the same was seized by the respondent Police. Hence, the complaint.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely roped into this case. He further submitted that the petitioner is no way connected with the alleged offence and he is in judicial custody from 12.08.2022. He further submitted that subsequent to the arrest, he was detained under Act 14 as Drug Offender and the said detention order was set aside by the Advisory Board and thereafter, the respondent Police filed a charge sheet. He also submitted that the petitioner is ready and willing to furnish solvent sureties and to abide by any



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stringent condition that may be imposed on him. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioner was found in illegal possession of 2 kgs of Ganja and the same was seized by the respondent Police. He further submits that the petitioner has previous cases pending against him including 7 NDPS cases and 29 IPC cases and he is a history sheeter. The charge sheet has been filed and the same has been taken on file in C.C.No.447 of 2022. Hence, he strongly opposed for grant of bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case, the submissions made by learned counsel on either side and also considering the period of incarceration undergone by the petitioner and also taking note of the fact that the petitioner is willing to furnish solvent sureties, this Court is inclined to grant bail to the petitioner with certain conditions.

6. 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**



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Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Principal Special Judge under EC & NDPS Act 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 respondent Police daily at 10.30 a.m., until further orders, without fail;

[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



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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.

18.05.2023

Sni/Hvk

To

- 1.The Principal Special Judge under EC & NDPS Act Court,
Chennai.
- 2.The Inspector of Police,
B-2, Vishnu Kanchi Police Station,
Kanchipuram District.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.A.NAKKIRAN, J.

Sni/Hvk

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