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Crl.O.P.No.11672 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.11672 of 2023

Surya @ Manda Surya

... Petitioner

Vs.

State Represented by,
Inspector of Police,
J9 Thuraipakkam Police Station,
Chennai.
(Crime No.246 of 2022)

... Respondent

Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleasing to enlarge the petitioner/accused on bail pending trial in C.C.No.102
of 2023 in Crime No.246 of 2022, on the file of the I Additional Special
Court for Exclusive Trial of cases under NDPS Act, Chennai Court.

For Petitioner : Mr.J.Samiullah

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 26.07.2022, in connection with Crime No.246 of 2022 registered for the offence punishable under Sections 20(b)(ii)(c), 29(1) and 8(c) of NDPS Act, seeks bail.

2. The case of the prosecution is that on secret information, the respondent police conducted raid near a bridge at Elango Nagar and found the petitioner in possession of 10.600 Kgs of Ganja and another 10 Kgs of Ganja were recovered from the other accused. 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 other accused have been released on bail by this Court on earlier occasions. The learned counsel further submitted that the Goondas Act imposed against the petitioner was revoked by this Court in H.C.P.No.2011 of 2022 on 05.04.2023. He also submitted that the petitioner is ready and willing to furnish solvent sureties and to abide by any stringent



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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 there are totally five accused in this case and the petitioner is arrayed as A2. He further submitted that the petitioner along with other accused were found in possession of 20.60 Kgs of Ganja. He also submitted that charge sheet has already been filed and investigation is under progress. 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 other accused have been granted bail, 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 Thousand only)** with **two sureties**, each for a like sum to the satisfaction of



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**the learned I Additional Special Judge, Special Court for Exclusive Trial
of Cases under NDPS Act, 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 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

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To

- 1.The I Additional Special Court
for Exclusive Trial of cases
under NDPS Act, Chennai.
- 2.The Inspector of Police,
J9, Thuraipakkam Police Station,
Chennai.
- 3.The Central Prison Puzhal,
Chennai.
- 4.The Public Prosecutor,
High Court of Madras.



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A.A.NAKKIRAN, J.
hvk/sni

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