



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2023

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.14886 of 2023

Malarvasa Kannan

.. Petitioner

Vs.

The State Rep.by
The Inspector of Police,
B-4, Sevvapet Police Station,
Thiruvallur.

.. Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.236 of 2023 for the alleged offence under Section 8(C) r/w 20(b)(ii)(B) of NDPS Act on the file of the respondent police.

For Petitioner : Mr.Azhagu P. Senthil Kumar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)



ORDER

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The petitioner herein was arrested on 11.05.2023 for the alleged offence under Section 8(c) r/w 20(b)(ii)(B) of NDPS Act in Crime No.236 of 2023, on the file of the respondent police, seeks bail.

2. The petitioner herein was arrested on 11.05.2023 for the alleged possession on 1.100 kg of Ganja. According to the petitioner, he hails from Kadayanallur Taluk, Tenkasi District, he was called by the respondent police, Thiruvallur, for enquiry and the case has been foisted against him.

3. However, the learned Government Advocate (Crl.Side) states that the petitioner found in possession of 1.100 kg of Ganja and he is having six previous cases, but, they are not of similar nature and they are IPC offences. Learned Government Advocate further states that chemical analysis report is awaited.



4. Taking note of the quantity of alleged Ganga found in possession of the accused and the date of arrest, this Court is inclined to grant bail to the petitioner, with certain conditions. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute 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 the II Metropolitan Magistrate, Egmore, Chennai.

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) **the petitioner is directed to report before the Investigating Officer, every Monday until further orders.**

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;



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(e) on breach of any of the aforesaid conditions, the learned Judicial 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 absconds, a fresh FIR can be registered under Section 229A IPC.

06.07.2023

AT

To

- 1.The II Metropolitan Magistrate, Egmore, Chennai.
- 2.The Inspector of Police,
B-4, Sevvapet Police Station,
Thiruvallur.
- 3.The Superintendent of Prison,
Central Prison Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court, Madras.

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Dr.G.JAYACHANDRAN,J.

AT

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