



Crl.O.P.No.15016 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.15016 of 2023

Sithick

...Petitioner

Vs.

The State Represented by
The Inspector of Police
V-4, Rajamangalam Police Station,
Chennai District.
(Crime No.226 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to grant bail to the petitioner in Crime No.226 of 2023 on the file of the respondent police.

For Petitioner : Mr.A.Logesh

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



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Crl.O.P.No.15016 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.05.2023 for the offences punishable under Sections 8(c), 20(b)(ii)(B) and 29(1) NDPS in Crime No.226 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is arrayed as A2 in this case. The allegation against the petitioner that he was found in possession of 2 Kgs. of Ganja, is not true. Petitioner is in judicial custody from 30.05.2023. Thus, he prays for grant of bail.

3. In reply, the learned Government Advocate (Crl. Side) opposed this petition, on the ground that, the accused were found in possession of 10 kgs. of Ganja at about 9.00 a.m., on 30.05.2023, near Villivakkam Market. Out of the 10 kgs., 8 kgs. of Ganja was recovered from A1 and 2 Kgs. of Ganja was recovered from this petitioner.



Crl.O.P.No.15016 of 2023

However, he would submit that there is no previous case pending against the petitioner.

4. Considering the nature of allegations made against the petitioner that he was found in illegal possession of 2 Kgs. of Ganja and the fact that the said contraband was seized and the petitioner is in judicial custody from 30.05.2023 and that, he has no similar case pending against him, this Court is inclined to grant bail to the petitioner.

5. 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 the **learned Principal Special Court under EC and 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.



Crl.O.P.No.15016 of 2023

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

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

13.07.2023

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Crl.O.P.No.15016 of 2023

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To

- 1.The Principal Special Court under EC and NDPS Act,
Chennai
- 2.The Central Prison,
Puzhal.
- 3.The Inspector of Police
V-4, Rajamangalam Police Station,
Chennai District.
- 4.The Public Prosecutor,
High Court of Madras



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Crl.O.P.No.15016 of 2023

G.CHANDRASEKHARAN. J.

ksa-2

Crl.O.P.No.15016 of 2023

13.07.2023