



CrI.OP.No.15265 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No.15265 of 2023

Venkatesh

... Petitioner

Vs.

The Inspector of Police,
NIB CID,
Chennai.
(Crime No.28 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending trial in CC.No.84 of 2022 on the file of the I Additional Special Judge, NDPS Act, Chennai.

For Petitioner : Mr.T.S.Sasikumar

For Respondent : Mr.R.Kishore Kumar,
Government Advocate
(crl.side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.09.2021 for the alleged offences punishable under Sections 8(c), 20(b)(ii)(C), 25, 29 (1) of NDPS Act, 1985 in Crime No. 28 of 2021 on the file of the respondent police, pending trial in C.C.No.84 of 2022 on the file of I Addl. Special Court for Exclusive Trial of cases under NDPS Act, Chennai, seeks bail.

2. The case of prosecution is that on 22.09.2021, on secret information, when the respondent police on their regular duty at Madhavaram Bus terminal, in a suspicious manner, they intercepted a car and on search, they found the petitioner along with other accused were in illegal possession of 110 kgs. of ganja and they seized the same. Accordingly, the complaint was registered against the petitioner.

3. The learned counsel for the petitioner submitted that he is no way connected with the offence and he has not at all committed any offence as alleged by the respondent police. He would further submit that



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the investigation is almost completed and that the petitioner has been suffering incarceration for more than 2 years from 22.09.2021. He would submit that already a co-accused was granted bail by this Court in Crl.OP.No.8534 of 2023 dated 30.06.2023. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that from the scene of occurrence, 110 kgs. of contraband was seized from the vehicle, out of which, the accused were found in possession of intermediate quantity. He would submit that now the investigation is almost completed and if he is released on bail, he would hamper the investigation and tamper the witnesses. Hence, he strongly opposed to grant bail to the petitioner.

5. Considering the fact that the investigation is almost completed, the contraband seized from the petitioner is an intermediate quantity, and also considering the period of incarceration undergone by the petitioner for the past two years and now the final report was also



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filed, 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 bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned I Additional Special Judge, 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 appear before the trial court daily at 10.30 a.m. and 05.30 p.m. for a period of four weeks and thereafter daily at 10.30 a.m. until further orders

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

(d) the petitioner shall not abscond either during investigation or trial;



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(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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G.K.ILANTHIRAIYAN, J.

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To

- 1.The learned I Additional Special Judge,
NDPS Act, Chennai
- 2.The Inspector of Police,
NIB-CID, Chennai.
- 3.The Superintendent of Prison,
Central Prison, Puzhal-II, Chennai.
- 4.The Public Prosecutor,
High Court, Madras

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