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Crl.O.P.No.15220 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2023

CORAM

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

Crl.O.P.No.15220 of 2023

Naveen Kumar Choudhary

...Petitioner

Vs.

The State Represented by
The Inspector of Police
PEW Triplicane Unit,
Periamet,
Chennai-600 003

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to grant bail to the petitioner in Crime No.168 of 2023 on the file of the respondent police pending investigation.

For Petitioner : M/s.M.V.V.N.Sivanthy

For Respondent : Mr.Leonard Aul Joseph Selvam
Government Advocate (Crl.side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.05.2023 for the offences punishable under Sections 8(c) and 20(b)(ii)(b) of Narcotic Drugs & Psychotropic Substances Act, in Crime No.168 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is falsely implicated in the case registered in Crime No.168 of 2023 for the offences under Sections 8(c) and 20(b)(ii)(b) of Narcotic Drugs & Psychotropic Substances Act. The petitioner is in judicial custody from 20.05.2023. Thus, he prays for grant of bail.

3. In reply, the learned Government Advocate (Crl. Side) opposed this petition, on the ground that, petitioner was found in possession of 5 Kgs. of Ganja. He has no previous case pending against him. Investigation in this case has not been completed.



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4. Considered the rival submissions and perused the records. It is seen from the first information report allegations that, on 20.05.2023 at about 11 a.m., the petitioner was found in possession of 5 Kgs. of Ganja at Periamet Moore Market Complex. After following necessary procedures, the Ganja was seized, sample was lifted and in the presence of witnesses, statement was recorded.

5. Considering the fact that petitioner is in judicial custody from 20.05.2023 and the substantial part of the investigation should have been completed by this time and that this is the first NDPS case against the petitioner, this Court is inclined to grant bail to the petitioner.

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 the **learned Special Judge for EC and NDPS, Chennai**, and on further conditions that :-



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[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.

[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].



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[f] If the accused thereafter absconds, a fresh
FIR can be registered under Section 229A IPC.

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To

1.The Special Judge for EC and NDPS, Chennai

2.The Central Prison,
Puzhal

3.The Inspector of Police
PEW Triplicane Unit,
Periamet,
Chennai-600 003

4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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