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Crl.OP.No.15971 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2023

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

Crl.OP.No.15971 of 2023

Manivasagam

..Petitioner

Vs.

The State represented by
The Inspector of Police,
NIB-CID,
Kanchipuram District.
(Crime No.6 of 2022)

..Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. pleaded to enlarge the petitioner on bail in C.C.No.154 of 2022 on the file of the II Additional Judge for EC and NDPS Act Cases, Chennai in Crime No.6 of 2022 on the file of the respondent Police.

For Petitioner : Mr.S.Kasirajan

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Criminal Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.03.2022 for the alleged offences under Sections 8(c) r/w 20(b)(ii)(c), 25, 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985, in C.C.No.154



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of 2022 on the file of the learned II Additional Judge for EC and NDPS Act Cases, Chennai, in connection with Crime No.6 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on secret information, when the respondent Police and their team were on regular patrol, they found that the petitioner along with other accused were found in possession of 60 Kgs of Ganja in a car. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. There are totally three accused, in which the petitioner is arrayed as A3. As per the confession statement of the co-accused, the petitioner has been falsely implicated in this case. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that there are totally three accused, in which the petitioner is arrayed as A3. The petitioner, along with other accused were found in possession of 60 Kgs of Ganja in a car. Hence, he vehemently opposed grant of bail to the petitioner.



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5. It is seen that there are totally three accused, in which the petitioner is arrayed as A3. A perusal of the confession statement of A1 revealed that the petitioner had handed over the car to other accused, in order to purchase Ganja from Andra Pradesh and the car does not belong to him. The car also does not stand in the name of the petitioner. Except the confession statement of the first accused, there is no other material to connect the petitioner along with A1 and A2. The petitioner is a also native of Theni District. Since the petitioner had already involved in one Ganja case and he was in prison, the present case has been foisted against the petitioner. That apart, the co-accused, A2 who was found in possession of Ganja was granted bail by this Court. Therefore, the petitioner has made out a prima facie case to satisfy the twin conditions as contemplated under Section 37 of the NDPS Act.

6. Taking into consideration the facts of the case and the submissions made by the learned counsels and also taking note of the fact that the petitioner is in judicial custody from 02.03.2022, this Court is inclined to grant bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with **two blood related sureties**, each for a like sum to the satisfaction of the **II Additional Special Court NDPS Act cases, 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 learned II Additional Judge for EC and NDPS Act Cases, Chennai daily at 10.30 a.m. and 5.30 p.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.

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To

- 1.The II Additional Judge for EC and NDPS Act Cases, Chennai.
- 2.The Inspector of Police,
NIB-CID,
Kanchipuram District.
- 3.Central Prison,
Puzhal.
- 4.The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

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