



Crl.O.P.Nos.18577 and 18578 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2023

CORAM

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

Crl.O.P.Nos.18577 and 18578 of 2023

Prakash ...Petitioner in Crl.O.P.No.18577 of 2023

Karthick ...Petitioner in Crl.O.P.No.18578 of 2023

Vs.

The State Rep by
The Inspector of Police,
T-2, Chrompet Police Station,
Tambaram District.
Crime No.224 of 2023

...Respondent in both petitions

COMMON PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.224 of 2023 on the file of the respondent.

(Appearance in both petitions)

For Petitioners : Mr.C.Iyyapparaj

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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COMMON ORDER

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The petitioners, who were arrested and remanded to judicial custody on 11.07.2023 for the offence punishable under Sections 8(c) r/w 22(a), 29(1) of NDPS Act in Crime No.224 of 2023 on the file of the respondent police, seek bail.

2.The learned counsel for the petitioners submitted that, petitioners are falsely implicated as accused in Crime No.224 of 2023 for the offences punishable under Sections 8(c) r/w 22(a), 29(1) of NDPS Act. Petitioners are innocents. Petitioners are in judicial custody from 11.07.2023. Therefore, he prays for grant of bail to the petitioner.

3. Learned Additional Public Prosecutor, opposed this petition, on the ground, on secret information, defacto complainant along with police party mounted surveillance near Kothandan Nagar ground, Chrompet. At about 9.30 a.m., respondent police found three persons with white colour polythene cover. They identified themselves as Prakash and Karthick. The defacto complainant introduced themselves and other police party. After following necessary procedure, a search was conducted and in the



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polythene covers, 50 strips containing 15 tablets of Nitrazepam tablets (Netravet-10), weighing 7.5 grams was found. There were totally 750 tablets. The contraband and cell phone of the accused were seized. The accused were arrested and remanded to judicial custody. Later, this case came to be registered. He further submitted that, petitioners have no previous case pending against them. Thus, he prays for dismissal of this petition.

4. Considered the submissions and perused the records.

5. As per the entry No.221 of Notification specifying small and commercial quantity of NDPS Act, 20 grams is treated as small quantity.

5.1 .Considering the fact that, contraband has been seized and that the petitioners are in judicial custody from 11.07.2023 and that, this is the 1st case registered against the petitioners under NDPS Act, and that material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioners with conditions.



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Accordingly, the petitioners are ordered to be released on bail on their executing separate 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 District Munsif cum Judicial Magistrate, Pallavaram** 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 petitioners without prejudice to their defence shall deposit a non-refundable sum of **Rs.5,000/-** each, by way of Demand Draft to the Chief Minister's Public Relief Fund, Finance (CMPRF) Department, Government of Tamil Nadu, Secretariat, Chennai 600 009, Tamil Nadu, India, Indian Overseas Bank, Secretariat Branch, Chennai 600 009, S.B.Account No.11720 10000 00070, IFS Code IOBA0001172, CMPRF PAN: AAAGC0038F and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond; It is made clear that merely, because the petitioners deposit the said amount, it would not



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amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

[c] the petitioners shall report before the respondent police daily morning at 10.30 a.m., until further orders.

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

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

22.08.2023

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G.CHANDRASEKHARAN. J.

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To

- 1.The District Munsif cum Judicial Magistrate, Pallavaram.
- 2.The Inspector of Police,
T-2, Chrompet Police Station,
Tambaram District.
- 3.Puzhal Prison, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

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