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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2023

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.Nos.19342 & 19349 of 2023

Jegadish

.. Petitioner/A1 in Crl.O.P.No.19342/2023

A.Vijayakumar

.. Petitioner/A2 in Crl.O.P.No.19349/2023

Vs.

State through

The Inspector of Police,

J-7, Velachery Police Station,

Chennai-600 042.

... Respondent in both Crl.OPs

COMMON PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail in Crime No.231 of 2023 on the respondent.

For Petitioner in both Crl.OPs : Mr.S.Varun

For Respondent in both Crl.OPs : Mr.S.Rajakumar

Additional Public Prosecutor



COMMON ORDER

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On 17.06.2023, the respondent police, attached to J-7, Velachery Police Station has registered a case against three persons by name Jegadish, A.Vijayakumar and Remo for the alleged offences under Sections 8(c) r/w.20(b)(ii)(B), 25, 29(1) of the NDPS Act.

2. According to the First Information Report, the Sub Inspector of Police Mr.V.Mukunthan based on specific information had gone to the spot near SDK Apartments, 2nd Street, Jaganathapuram, Velachery and found the FIR named accused. After informing their right under Section 15 of NDPS Act, personal search was conducted. 1.200 gms of Ganja was recovered from Jegadish [A1] and from A.Vijayakumar [A2] 100 tablets of Tydol, a psychotropic drug and cell phone were recovered. Remo [A3] had fled from the scene of occurrence on seeing the riding party. The petitioners herein Jegadish [A1] and A.Vijayakumar [A2] claiming that even after 60 days of arrest, the prosecution has not filed a final report and the quantity of alleged Ganja is less than commercial quantity. These two petitioners seeks bail.



3. The learned Additional Public Prosecutor appearing for the State submits that these petitioners, who are aged about 21 and 19 years, are first time offenders and there is no previous bad antecedents.

4. Considering their age and quantity of Narcotic drugs alleged to have been seized and the period of incarceration, this Court is of the view that the petitioners may be granted bail. Accordingly, the petitioners are ordered to be released on bail subject to the following conditions;

(a) each of the petitioners shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thosand only)** with two sureties, each for a like sum, to the satisfaction of the learned **Special Judge, NDPS & EC Court, Chennai;**

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioners are directed to report before the respondent police once in a week on every Monday at 10.30 a.m., until further orders;



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(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 Judicial 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];

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

24.08.2023

rpl

To,

1.The Special Judge, NDPS & EC Court, Chennai.

2.The Inspector of Police,
J-7, Velachery Police Station,
Chennai-600 042.

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3. The Sub Jail
Saidapet, Chennai.

4. The Public Prosecutor,
High Court, Madras.



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Dr.G.JAYACHANDRAN, J.

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