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Crl.O.P.No.24238 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2023

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.24238 of 2022

Prem

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Villupuram Taluk Police Station,
Villupuram.
(Crime No.132 of 2022)

... Respondent

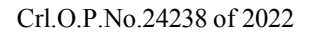
Prayer: Criminal Original Petition filed under Section 439(1)(b) of Cr.P.C. to modify the condition “as other person” instead “of one being blood” relative surety as imposed in the order dated 21.04.2022 in Crl.MP.No.80 of 2022 passed by the Special Court for Trial of Narcotic Drugs and Psychotropic Substances Act, Villupuram.

For Petitioner

: M/s.Hemalatha

For Respondent

: Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)



This Criminal Original petition has been filed to modify the condition imposed in Crl.M.P.No.80 of 2022 dated 21.04.2022 on the file of the respondent police, instead of one being blood surety to modify surety as other person.

2. The case of the prosecution is that the petitioner along with other accused persons were unlawfully found to be in possession of 3.500 kgs of Ganja. Hence, a case was registered in Crime No.132 of 2022 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act.

3. The learned counsel for the petitioner submitted that while granting bail to the petitioner, the trial Court imposed a condition that the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- with two sureties, for a like sum, one being a blood relative of the petitioner to the satisfaction of this Court”. He further submits that the petitioner is a resident of Kerala State and he is unable to bring blood relative for surety. Hence, he prays to modify the above said condition.

4. Per contra, the learned Government Advocate (Criminal Side) would



CrI.O.P.No.24238 of 2022

submit that the petitioner has committed very serious offence and hence the learned Magistrate has rightly imposed the above said condition.

5. Taking into consideration, the facts and circumstances of the case and also the nature of allegation levelled against the petitioner, the condition imposed on the petitioner by the court below was very reasonable and justified. Hence this Criminal Original Petition is dismissed.

03.02.2022

drl

To

1. The Special Court for Trial of Narcotic Drugs
and Psychotropic Substances Act Cases,
Villupuram.
2. The Inspector of Police,
Villupuram Taluk Police Station,
Villupuram.
3. The Public Prosecutor,
High Court, Madras.



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Crl.O.P.No.24238 of 2022

T.V.THAMILSELVI, J.

drl

Crl.O.P.No.24238 of 2022

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