



WEB COPY



CrI.O.P.No. 29003 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.29003 of 2023

Moses

... Petitioner

Vs.

The Inspector of Police,
V-7, Nolambur Police Station,
Chennai.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner / Accused on bail in Crime No.278 of 2023
on the file of the respondent police at Chennai.

For Petitioner : Mr.M.S.Ramesh

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor.

ORDER

The petitioner who was arrested and remanded to judicial custody
on 19.11.2023, seeks bail in Crime No.278 of 2023, which was registered by
the respondent Police for the offences under Sections 8(c) r/w 20(b)(ii)(B),
22(b), 25, 29(1) of NDPS Act.



CrI.O.P.No. 29003 of 2023

2. The case of the prosecution is that the petitioner along with others was found to be in possession of 2.300 kgs of ganja and 207 numbers of Nitravet-10mg. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has been in judicial custody from 19.11.2023 and hence, he seeks for granting of bail to the petitioner.

4.The learned Additional Public Prosecutor for the respondent submitted that the petitioner/A2 was found in illegal possession of 60 numbers of Nitravet 10mg tablet. She further submitted that there are 2 previous cases pending against the petitioner, out of which one is similar in nature. She further submitted that the Inspector of Police has produced the seized contraband along with vehicle before the learned Principal Special Judge, Special Court under EC and NDPS Act, Chennai and the same was taken on file and assigned A.No.1581 of 2023, B.No.948 of 2023 dated 18.12.2023. Hence, she opposed for granting of bail to the petitioner.



WEB COPY



CrI.O.P.No. 29003 of 2023

5.Heard both sides and perused the materials available on record.

6.Considering the rival submissions made on either side and taking into consideration the period of incarceration undergone by the petitioner and also considering the nature of cases and the quantity of contraband seized, I am inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Principal Special Judge, NDPS Act, Chennai and on further conditions that:

[b] the petitioner shall report before the Principal Special Judge, NDPS Act, Chennai, daily at 10.00 A.M. until further orders.

[c] the petitioner shall not commit any offences of similar nature.

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

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

[f] On breach of any of the aforesaid conditions, the learned



CrI.O.P.No. 29003 of 2023

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.

28.12.2023

Vv/vca

To

1. The Principal Special Judge, NDPS Act,
Chennai
2. The Inspector of Police,
V-7, Nolambur Police Station,
Chennai.
3. The Puzhal Jail-II, Chennai.
4. The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



WEB COPY



Crl.O.P.No. 29003 of 2023

Vv/vca

Crl.O.P.No.29003 of 2023

28.12.2023