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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2024

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.4726 of 2024

M.Poovarasan

... Petitioner

Vs.

State Rep by.

The Inspector of Police

V-1, Villivakam Police Station,

Villivakam Chennai 600 049. Crime No. 170 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in CC No. 912 of 2023 pending on
the file of Principal Special Court under EC & NDPS Act.

For Petitioner : Mr.J.Prakash

For Respondent : Mr.V.Meganathan

Government Advocate (Crl. Side)

ORDER



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The petitioner, who was arrested and remanded to judicial custody on **11.06.2023** for the alleged offences punishable under Sections **8 (c), 22 (c), 29(1) of NDPS Act, in crime No.170 of 2023 (C.C No. 912 of 2023)** on the file of the respondent, seeks bail.

2. The case of the prosecution is that the respondent police found the accused persons with the possession of 755 grams of Niravet - 10 tablet. Hence the case.

3. The learned counsel for the petitioner submits that the petitioner is in jail for more than nine months and contraband was not recovered from this petitioner. Hence, he prays to allow this petition.

4. On the other side, the learned Government Advocate (Crl. side) submits that respondent police found the accused person with the possession of 755 grams of Niravet - 10 tablet. Further, he submitted that contraband was not recovered from the petitioner and also there is no previous case pending against the petitioner. However, he raised objection to grant bail.

5. Considering the facts of the case, the petitioner is in jail for



more than nine months and also contraband was not recovered from this petitioner and he accompanied the first accused at the time of alleged occurrence. Further, there is no previous case pending against the petitioner. Therefore, the petitioner has satisfied twin conditions as required under Section Section 37 of NDPS Act. Hence, this Court is inclined to grant bail to the petitioner.

5. 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 sureties (one must be a blood surety)**, each for a like sum to the satisfaction of the **learned Special Court under EC & NDPS Act, 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 respondent police every Tuesday and Saturday at



10.30 a.m., for a period of six months.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

10.04.2024

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T.V.THAMILSELVI,J.

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To

1. The **Special Court under EC & NDPS Act, Chennai**

2. The Inspector of Police
V-1, Villivakam Police Station,
Villivakam Chennai 600 049.

3. The Central Prison, Puzhal.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.4726 of 2024

10.04.2024