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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2024

CORAM

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

Crl.O.P.No.9085 of 2024

Paniki sai

... Petitioner

Vs.

State Rep by.
The Inspector of Police,
M-1 Madhavaram Police Station,
Chennai.
Crime No. 33 of 2024.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending trial in C.C No. 135 of 2024
pending on the file of the Principal Special Judge under EC and NDPS Act
cases at Chennai.

For Petitioner : Mr.M.Muthuraja
For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on **26.01.2024** for the alleged offences punishable under Sections **8 (c) r/w 20(b)(ii)(C), 28, 29(1) of Narcotic Drug's and Psychotropic Substance (NDPS) Act in crime No. 33 of 2024** on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused were found to be illegal possession of 25.200 kgs of Ganja. Hence the case.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and he is an innocent person. Further, he submitted that contraband recovered from this petitioner is intermediate quantity and also he stated the petitioner is in custody for more 2 months. Learned counsel prays to grant anticipatory bail to the petitioner.

4. On the other side, the learned Government Advocate (Crl. side) submits that four accused were found to be illegal possession of 3 25.200 kgs of Ganja. Further, he stated that there is no previous case pending against the petitioner. However, he raised objection to grant bail.

5. Considering the period of incarceration undergone by the



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petitioner and the contraband recovered from this petitioner is intermediate quantity. Further, the petitioner has satisfied the twin conditions as required under Section 37 of NDPS Act. Hence, this Court is inclined to grant bail to the petitioner.

6. 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 Principal Special judge for NDPS and EC Act cases, 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 stay at Chennai and report before the respondent police daily at 10.30 a.m., until further order.

[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.

17.04.2024

pbl

T.V.THAMILSELVI,J.

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To

1. The **Principal Special judge for NDPS and EC Act cases, Chennai .**
2. The Inspector of Police,
M-1 Madhavaram Police Station,
Chennai..
3. The Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.9085 of 2024

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