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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.9230 of 2024

Jemish Debbarma

... Petitioner

Vs.

State Rep by.
The Inspector of Police,
PEW Tambaram Unit Police Station,
Crime No. 272 of 2023.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in C.C No.75 of 2024 on the file of
Special Judge, II Additional Special Court for Exclusive Trial of Cases under
NDPS Act, Chennai in crime No. 272 of 2023.

For Petitioner : Mr.KAM. Jagadish Kumar
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 **11.07.2024** for the alleged offences punishable under Sections **8 (c) r/w 20(b)(ii)(C), 29(1) of Narcotic Drug's and Psychotropic Substance (NDPS) Act in crime No. 272 of 2023** on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused were found to be in illegal possession of 30 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 was not recovered from this petitioner and also he stated the petitioner is in custody for more 7 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 30 kgs of Ganja but contraband was not recovered from this petitioner. Further, there is four previous case pending against the petitioner. However, he raised objection to grant bail.



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5. Considering the period of incarceration undergone by the petitioner and the contraband was not recovered from this petitioner. Further, the petitioner has satisfied with 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 II Additional Special Judge for EC and NDPS 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

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T.V.THAMILSELVI,J.

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To

1. The **II Additional Special judge for EC and NDPS Act cases, Chennai .**

2. The Inspector of Police,
PEW Tambaram Unit Police Station.

3. The Central Prison - II, Puzhal, Chennai.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.9230 of 2024

17.04.2024