



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2024

CORAM

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

Crl.O.P.No.10227 of 2024

Siva

... Petitioner

Vs.

State Rep by.

The Inspector of Police

NIB CID

Chennai. Crime No. 31 of 2022

... 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. 578 of
2022 on the file of the Principal Special NDPS ACt Cases Court, Chennai.

For Petitioner : Mr.D.Chittrarasi

For Respondent : Mr.V.Meganathan, B.A., B.L.,
Government Advocate (Crl. side)

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 02.07.2022 for the alleged offences punishable under Sections 8 (c) r/w 20 (B)(ii)(C) of NDPS Act, 25 and 29(1) of NDPS Act in crime No. 31 of 2022(C.C No. 578 of 2022) on the file of the respondent, seeks bail.

2. The case of the prosecution is that the respondent police found the petitioner with illegal possession of 60 kgs of Ganja. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner submits that the petitioner is in jail for more than 23 months and as per seizure mahazar contraband seized from the petitioner was 18 kilograms which is intermediate quantity. Hence, he prays to allow this petition.

4. On the other side, the learned Government Advocate (Crl. side) submits that 60 kgs of Ganja has been recovered from the accused persons. Further, he submitted that one 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 past 23 months and as per the seizure mahazar the contraband seized from the petitioner is intermediate quantity and also co-accused has been released on



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bail. 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 Principal Special NDPS Act cases Court, 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



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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.

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T.V.THAMILSELVI,J.

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To

1. The Principal Special NDPS Act cases Court, Chennai,

2. The Inspector of Police
NIB CID
Chennai.

3. The Central Prison, Puzhal.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.10227 of 2024

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