



Crl.O.P.No.11431 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 21.06.2024

Pronounced on : 25.06.2024

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.O.P.No.11431 of 2024

Balaji Babu

...Petitioner/Accused-4

Vs.

The State represented by
Inspector of Police
P-6, Kodungaiyur Police Station
Chennai - 600 021.

...Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner in connection with Crime No.509 of
2023 on the file of the respondent police.

For Petitioner : Mr.D.Padmanabhan

For Respondent : Mr.V.J.Priyadarsana
Government Advocate [Crl.Side]



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ORDER

The petitioner/A4 who was arrested and remanded to judicial custody on 15.09.2023 by the respondent police for the offences under Section 22(b), 29(1) of NDPS Act, subsequently altered to Section 8(c) r/w 22(c), 25, 29(1) of NDPS Act, in Crime No.509 of 2023, seeks bail.

2. The learned counsel for the petitioner states that the petitioner is an innocent person and that there has been no seizure of contraband from the petitioner herein. But the records speak otherwise. The records point out that 870 nitravet tablets (58 medicine strips each containing 15 tablets) had been seized from the petitioner herein.

3. A counter affidavit had been filed on behalf of the respondent, in which it is stated that the nitravet tablets seized from the petitioner is intermediate quantity. It is the case of the respondent that they received information about illegal sale of narcotics substance and they secured A1, A2 and A3 and found 660 nitravet tablets in their possession (intermediate quantity). Thereafter, they have recorded the confession of A1, A2 and A3. On the basis of the confession, this petitioner A4 had been taken into custody. The contraband seized from this petitioner is



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also found to be intermediate quantity. This fact had been stated specifically in the counter affidavit.

4. It is also seen that the investigation has been completed and final report had been filed and also taken cognizance as C.C.No.376 of 2024 by the Principal Special Judge for EC & NDPS Act Cases at Chennai. The one factor which has to be taken into consideration by this Court is that a learned Single Judge of this Court had granted bail to A1 by an order dated 14.06.2024 in CrI.OP.No.9484 of 2024. The learned Judge in the said order has observed that the quantity of contraband seized from that accused [A1] was intermediate quantity and that charge sheet has been filed and the investigation has been completed. The same principle applies to this petitioner also since the contraband seized from him was intermediate quantity and investigation has been completed and charge sheet was also taken cognizance and is now pending before the learned Principal Special Judge for EC & NDPS Court, Chennai in C.C.No.376/2024.

5. Taking into consideration the facts of the case, this Court is inclined to grant bail to the petitioner.



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6. 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 X Metropolitan Magistrate, Egmore, 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 appear before the respondent everyday at 10.30 a.m., except from the Court hearing dates.

[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].



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[f] If the accused thereafter absconds, a fresh FIR can
be registered under Section 229A IPC.

25.06.2024

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To :

1. The Central Prison
Puzhal, Chennai.
2. The Inspector of Police
P-6, Kodungaiyur Police Station
Chennai - 600 021.
3. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.,

ds

Pre-delivery order in
CrI.O.P.No.11431 of 2024

25.06.2024