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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2024

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

Crl.O.P.No.14124 of 2024

Arun Kumar

... Petitioner

Vs.

State Rep by.
The Inspector of Police,
NIB CID, Kancheepuram Police Station,
Crime No. 6 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. 624 of 2024 on the file
of the Special Judge, II Additional Special Court for Exclusive Trial of Cases
Under NDPS Act, Chennai in crime No. 6 of 2023.

For Petitioner : Mr.A.Samson
For Respondent : Mr.Meganathan
Government Advocate (Crl. side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on **11.03.2023** for the alleged offences punishable under Sections **8 (c) r/w 20(b)(ii)(C) and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 in crime No. 6 of 2023 (CC No. 624 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 22kgs of Ganja. Hence the case.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case as if he possessed Ganja. Further, he submitted that the petitioner has been in judicial custody for more than one years and A2 has been released on bail. Learned counsel prays to grant bail to the petitioner.

4. On the other side, the learned Government Advocate (Crl. side) submits that witnesses were examined in chief but not been cross examined. Further, he stated that there are two previous cases pending against the petitioner. However, he raised objection to grant bail.



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5. Considering the fact that the petitioner has been in jail for more than one year and also witnesses were examined. Further, he availed with bail in other cases. 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 report before respondent police daily at 10.30 a.m apart from Court hearings till completion of trial;



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[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.

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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,
NIB CID, Kancheepuram Police Station.
3. The Central Prison - II, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.14124 of 2024

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