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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2024

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

Crl.O.P.No.16318 of 2024

Nasina Sai

... Petitioner

Vs.

State Rep by.
The Inspector of Police
M1- Madhavaram Police Station,
Madhavaram, Chennai.
Crime No. 33 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge them on bail pending trial in CC No. 135 of 2024 on the
file of the Principal Special Judge for NDPS Act Cases Chennai.

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.01.2024 for the alleged offences punishable under Sections 8 (c) r/w 20(b)(ii)(C), 28, 29(1) of NDPS Act, 1985 in crime No. 33 of 2024 on the file of the respondent, seeks bail.

2. The case of the prosecution is that the respondent police found the accused persons along with 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 also the contraband seized from the petitioner is intermediate quantity. Hence, he prays to allow this petition.

4. On the other side, the learned Government Advocate (Crl. side) submits that totally 25.200 kgs of Ganja was recovered from the petitioner. However, he raised objection to grant bail.



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5. Considering the facts and circumstances of the case and also there is no bad antecedents against petitioner and also the contraband seized from the petitioner is intermediate quantity. 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 Judge for 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 the respondent police daily at 10.30 a.m., until further orders. Further, the petitioner is directed to deposit a



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sum of Rs.15,000/- to the credit of Tamil Nadu Advocate Clerks' Welfare Association, Chennai.

[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 **Principal Special Judge for NDPS Act Cases, Chennai.**

2. The Inspector of Police
M1- Madhavaram Police Station,
Madhavaram, Chennai.

3. The Central Prison, Puzhal.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.16318 of 2024

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