



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CrI.O.P.No.19676 of 2024

1.Chandru
2.Vediappan

... Petitioners

Versus

State Rep by.
The Inspector of Police
PEW Redhills Police Station
Thiruvallur District
(Crime No.321 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.321 of 2024 on the file
of the respondent.

For Petitioners : Mr.R.Sankarasubbu

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl. side)

ORDER



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The petitioners, who were produced on P.T.Warrant were arrested and remanded to judicial custody on 20.06.2024 and 13.06.2024 respectively for the alleged offences punishable under Sections 8 (c) read with 20 (b)(ii)(C) and 29(1) of NDPS Act, 1985 in crime No. 321 of 2024 on the file of the respondent, seeks bail.

2. The case of the prosecution is that the respondent police found the Accused 4 and 5/petitioners herein with illegal possession of 23 kilograms of Ganja. Hence, the case.

3. The learned counsel for the petitioners submits that the petitioners are innocent persons and they have nothing to do with the commission of offence, the quantity of the contraband allegedly seized is intermediate quantity and not a commercial quantity. Hence, he prays to allow this petition.

4. On the other side, the learned Government Advocate (Crl. side) submits that the police have recovered 600 grams of Ganja from the first petitioner/A4 and no recovery is made from the second petitioner/A5.



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Further, he submitted that one previous case is pending as against the first petitioner/A4. However, he raised objection to grant bail.

5. Considering the rival submissions of the either side and also the quantity involved in this case which is not a commercial quantity and no recovery is made from the second petitioner and the fact that investigation is almost completed and the period of incarceration undergone by the petitioners and also considering once previous case is pending as against the first petitioner, this Court is inclined to grant bail to the petitioners with certain conditions:

6. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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 court of *Principal Special Court under EC & NDPS Act, Chennai*, and on further conditions that:

[a] the petitioners shall report before the Principal Special Judge, Principal Special Court under EC & NDPS Act, Chennai, on all working days at 10.30 a.m. until further orders;



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- [b] the petitioners shall not abscond either during investigation or trial;
- [c] the petitioners shall not tamper with evidence or witness either during investigation or trial;
- [d] 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];
- [e] if the accused thereafter absconds, a fresh FIR can be registered under Section 229A of the IPC.

22.08.2024

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To

1.The Presiding Officer
Principal Special Court under EC & NDPS Act
Chennai

2. The Inspector of Police
PEW Redhills Police Station
Thiruvallur District

3.The Central Prison, Salem

4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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