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CrI.O.P.No21963 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CrI.O.P.No21963 of 2024

Venkat

...Petitioner/Accused - 3

Vs.

State Rep by,
The Inspector of Police,
PEW RK Pet Police Station,
Tiruvallur District.
(Crime No.338 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioner on bail in Crime No.338 of 2024 on the file of respondent police.

For Petitioner : Mr.P.Muthamizhselvakumar

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (CrI.Side)



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ORDER

The petitioner/A3, who was arrested and remanded to judicial custody on 26.06.2024 for the offences under Sections 8(c), r/w 20(b)(ii)(c), 29(1) and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.338 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and other accused were found in illegal possession of 22 Kg of Ganja. Hence, the case.

3. Learned counsel for the petitioner/A3 submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that 11 Kg of contraband was allegedly seized from A1 and 11 Kg jointly from A2 and this petitioner/A3; that the alleged seized contraband from the petitioner is an intermediate one; that the petitioner has been in custody since 26.06.2024; that he is a law-abiding citizen; that he is ready to furnish substantial sureties for his due release



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on bail; and therefore, he prays for the grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) for the respondent police submitted that there are three accused in this case, that the petitioner is arrayed as A3, and that the petitioner and other accused were found in illegal possession of 22 Kg of Ganja. He further submitted that there is one previous case pending against the petitioner, that the co-accused were arrested and they are still in custody. Hence, he strongly opposed the grant of bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the representation made by both sides, that the quantity of contraband recovered from this petitioner is only 11 Kgs, which does not come under a commercial quantity, that though the petitioner has one previous case that is also not a commercial quantity and already he was released on bail in that case, and also taking into consideration the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:



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7. 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, each for a like sum to the satisfaction of the *Judicial Magistrate Court, Tirutanni*, and on further conditions that:

[a] the petitioner shall report before the **Principal Special Court under EC and NDPS Act, Chennai – 600 104 on every working day at 10.30 a.m. until further orders;**

[b] the petitioner shall attend in accordance with the conditions of the bond;

[c] the petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[e] the petitioner shall not abscond either during investigation or trial;



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[f] On breach of any of the aforesaid conditions, the learned Judicial 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]; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of the B.N.S.

18.09.2024

dk

To

1.The Judicial Magistrate Court,
Tirutanni.

2.The Superintendent of Prison,
Central Prison – Puzhal,
Chennai.

P.DHANABAL, J.

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3.The Inspector of Police,
PEW RK Pet Police Station,
Tiruvallur District.

4.The Public Prosecutor,
High Court of Madras.

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