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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2024

CORAM

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

Crl.O.P.No. 24913 of 2024

Prabakaran

... Petitioner

Vs.

State Rep by.
The Inspector of Police
NIB CID, Kancheepuram,
Kancheepuram District.
Crime No. 24 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in on the file of the CC No. 472 of
2024 in I Additional Special Court for NDPS Act and the file of the in crime
No. 24 of 2023 respondent police.

For Petitioner : Mr.R.Thamarai Selvan
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 19.12.2023 for the alleged offences punishable under Sections 8 (c) r/w 20 (b)(ii)(c), 29(i) of NDPS Act, in crime No. 24 of 2023 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 forty kilograms of Ganja. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and for more than 10 months he is incarcerated in jail. Further, he stated that final report has been filed in this case and co-accused has been released on bail. Hence, he prays to allow this petition.

4. On the other side, the learned Government Advocate (Crl. side) raised strong objection stating that contraband seized from the petitioner is commercial quantity and also one previous case pending against the petitioner. Hence, he raised objection to grant bail.



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5. Considering the facts and circumstances of the case and also the petitioner is in custody for more than ten months. Further, the final report has been filed in this case and co-accused also has been released on bail and he has no previous case. 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 I Additional Sessions Judge for EC and NDPS Act, 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., for a period of three months.



[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 **I Additional Sessions Judge for EC and NDPS Act, Chennai.**

2. The Inspector of Police
NIB CID, Kancheepuram,
Kancheepuram District.

3. The Central Prison, Puzhal, Chennai.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No. 24913 of 2024

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