



WEB COPY



Crl.O.P.No.21930 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.21930 of 2024

Vijay

...Petitioner/Accused no.1

Vs.

State rep. by
The Inspector of Police,
Prohibition and Enforcement Wing
R.K. Pet Police Station
Thiruvallur District
(Crime No.338 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C
praying to enlarge the petitioner on bail pending investigation in Cr.No.
338 of 2024 on the file of the respondent police.

For Petitioner : Mr. R.Kisoth Kumar

For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl. Side)

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 25.06.2024 for the offences under Sections 8(c), 20(b)(ii)(C), 29(1) and 25 of 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 11 kgs of Ganja. Hence, the case.

3. Learned counsel for the petitioner submitted that the quantity involved in this case is intermediate quantity. He would further submit 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 and he is a law-abiding citizen and he is ready to furnish substantial sureties for his due release on bail; therefore, he prays for the grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the



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respondent police submitted that there are three accused in this case and the petitioner is arrayed as A-1 and that the petitioner was found in illegal possession of 11 kgs of Ganja. He further submitted that the petitioner is having two previous cases under NDPS Act. 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 submissions made on both sides, the quantity of contraband recovered from this petitioner is 11 kgs which does not come under a commercial quantity, that though the petitioner has two previous cases and that is also not 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:

[a]. 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 court of *XVI Metropolitan Magistrate, George Town at Chennai*, and on



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further conditions that:

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

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

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

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

[f] 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



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any police officer or tamper with evidence;

[g] 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]; and

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of the BNS.

19.09.2024

vsg

P.DHANABAL, J.

vsg

To

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



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2. Central Prison II, Puzha, Chennai.

3. The Inspector of Police,
Prohibition and Enforcement Wing
R.K. Pet Police Station
Thiruvallur District

4. The Public Prosecutor,
High Court of Madras.

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