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CRL O.P. No.23917 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.10.2024

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THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.23917 of 2024

Ameh Zion Inalegwu

... Petitioner

Vs

The State rep. by,
The Inspector of Police,
K3 Aminjikarai Police Station,
(Crime No.45 of 2024)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in C.C.No.591 of 2024, on the file of the Principal Special Court for Exclusive Trial of cases under EC & NDPS Act, Chennai.

For Petitioner : Mr.K.Anandha Raja

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



ORDER

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The petitioner, who was arrested and remanded to judicial custody on 21.01.2024, for the offences punishable under Sections 8 (c) r/w 22(c) 25 of NDPS Act and Section 224 & 353 IPC, in Crime No.45 of 2024, on the file of the respondent seeks bail.

2.The case of the prosecution is that on 20.01.2024, the respondent police had arrested one Nigerian National, namely, Ajagu Chinedu Onochie/A1 for possession of 120 grams of Cocaine. As per the confession statement of the abovesaid accused, the petitioner was arrested.

3.The learned counsel for the petitioner would contend that the respondent police had registered a false case against the petitioner herein. Even as per the case of the prosecution, no contraband was recovered from the petitioner and based on the confession statement of the co-accused, this petitioner was arrested. Since his passport was available in the house of A1, this petitioner was implicated in this case. There is no previous case against the petitioner and thus, he prays for grant of bail to the petitioner.



4.The learned Government Advocate (Crl. Side) would submit that

A1 was arrested for having illegal possession of 120 grams of contraband, which comes under commercial quantity. Based on the confession statement of the co-accused and during the search at the house of A1, 950 grams of contraband was recovered. A1 & A3 are husband and wife. A3 was also arrested and remanded to judicial custody. The passport of the petitioner was found at the house of A1. This petitioner was also staying along with A1 and A3 in the same house. The respondent police arrested the petitioner at Koyambedu Bus Stop. He further submitted that the investigation has been completed and there are strong materials available as against the petitioner. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard both side learned counsel and perused the materials available on record.

6. Considering the nature of offences charged against the petitioner and also the number of days of incarceration undergone by the petitioner from 21.01.2024 and the fact that no contraband was recovered from the



petitioner and there is no previous case against the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] Accordingly, the Petitioner is ordered to be released on bail on condition to execute 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 **Principal Special Court for Exclusive Trial of cases under NDPS Act, Chennai** and on further conditions that;

[b] the Petitioner shall report before the Principal Special Court for Exclusive Trial of cases under NDPS Act, Chennai, daily at 10.30 a.m., until further orders.

[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;

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

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action



CRL O.P. No.23917 of 2024

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 B.N.S.

7.The learned counsel for the petitioner submitted that the name of the petitioner is wrongly mentioned in the petition as Amen Zion Inalegwu instead of Ameh Zion Inalegwu. Therefore, Registry is directed to correct the same and issue the order copy.

23.10.2024

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To

1.The Principal Special Court for Exclusive Trial of cases under NDPS Act, Chennai.

2.Central Prison II, Puzhal.

3.The Inspector of Police, K3 Aminjikarai Police Station, (Crime No.45 of 2024)

4.The Public Prosecutor,



High Court, Madras.

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P.DHANABAL,J.
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