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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. 25314 of 2024

Vivek

... Petitioner

Vs.

State Rep by.
The Inspector of Police
PEW Gummudipoondi Police Station,
Thiruvallur District.
Crime No. 164 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in the event of his arrest in Crime
No. 164 of 2024 on the file of the respondent police.

For Petitioner : Mr.D.Saikumaran
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 **18.04.2024** for the alleged offences punishable under Sections **8 (c) r/w 20 (b)(ii)(c), 29(i) and 25 of NDPS Act, in crime No. 164 of 2024** 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 16 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 7 months he is incarcerated in jail. Further, he stated that the contraband seized from the petitioner is intermediate quantity and also there is no previous case pending against the petitioner. 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 accused persons is commercial quantity and the petitioner paid Rs.50,000/- to the co-accused through G-pay and went to Andhra Pradesh and collected the contraband. 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 7 months and there is no previous case pending against the petitioner and the contraband seized from the petitioner is intermediate quantity. Further, the investigation has been completed. Hence, this Court is inclined to grant bail to the petitioner.

6. 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 Principal Special Court under 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. Further, the petitioner shall deposit a



sum of Rs.25,000/- to the credit of the registered advocate clerks' Welfare Association, Chennai.

[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.

07.11.2024

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T.V.THAMILSELVI,J.

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To

1. The Special Court under **EC and NDPS Act, Chennai.**
2. The Inspector of Police
PEW Gummudipoondi Police Station,
Thiruvallur District.
3. The Central Prison, Puzhal Jail -II.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No. 25314 of 2024

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