



Crl.O.P.No.26184 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

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Pandi @ Pandiyan

... Petitioner

Vs.

State represented by,
The Inspector of Police,
P.E.W., Thiruvallur Unit,
Thiruvallur & District.
(Crime No. 222 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail, in Crime No.222 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.R.Prabudoss

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

ORDER

The Petitioner, who was arrested and remanded to judicial custody
on 13.08.2024, for the alleged offence punishable under Section 8(c) &



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20(b)(ii)(C), 25 & 29(1) of NDPS Act, in Crime No.222 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 11.08.2024, at about 14.00 hours, when the respondent police received secret information about the illegal transport of ganja, they found, the petitioner along with other accused in possession of 55.600 kg of ganja. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He further submits that co-accused was already released on bail. He further submits that based on the confession of the arrested accused, he was arrayed as an accused in this case. He further submits that the petitioner was arrested and is in judicial custody from 13.08.2024 and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the



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respondent submitted that there are 6 accused in this case and the petitioner herein is arrayed as A4. He further submits that when the respondent police received secret information about the illegal transport of ganja, they found the petitioner along with other accused in possession of 55.600 kgs of ganja, which is a commercial quantity. He further submits that this petitioner played a vital role in procuring the contraband and also acted as a mediator and organiser among the main accused. He further submits that the petitioner has no previous case pending against him and investigation is still pending. Hence, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the representation made by both side counsel, no contraband was recovered from this petitioner, even according to the prosecution, this petitioner was acted as mediator and the same cannot be decided at this stage, no previous case pending against him, considering the period of incarceration undergone by the petitioner from 13.08.2024 and considering that the petitioner was arrayed as accused only based on the



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confession statement of co-accused and co-accused was already released on bail, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

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 learned Principal Special Court under EC and NDPS Act, Chennai, and on further conditions that:-

[a] the petitioner shall report before the concerned NDPS Court, Chennai on all working days at 10.30 a.m., until further orders.

[b] 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;

[c] 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;



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

[e] 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

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

20.11.2024

drl

To

- 1.The Principal Special Court
under EC and NDPS Act, Chennai,
- 2.The Inspector of Police,
P.E.W., Thiruvallur Unit,
Thiruvallur & District.
- 3.The Superintendent,
Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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