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Crl.O.P.No.26955 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2024

CORAM

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

Crl.O.P.No.26955 of 2024

Gagan

... Petitioner

Vs.

State represented by,
The Inspector of Police,
K-3 Aminjikarai Police Station,
Chennai.
(Crime No. 469 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in Crime No.469 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.D.Sugumar

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

ORDER

The Petitioner, who was arrested and remanded to judicial custody
on 29.08.2024, for the alleged offence punishable under Sections 8(c), 22(c)



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& 29(1) of NDPS Act, 1985 in Crime No.469 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 29.08.2024 at about 17.00 hours, the Inspector of Police, on receipt of a secret information about the illegal possession of narcotic substances, went to the scene of occurrence, along with his police team. Wherein, they found that the accused persons were in illegal possession of 3840 Tramadol Tablets (Pyeevon Spas Plus named Tramadol HCL), 12 milligram brown sugar and 100 grams of ganja, and the same was seized by the respondent police and also recorded confession statement from them, in which, A1 & A2 have revealed that A3 supplied the contraband, which he purchased the contraband from A7 and A8 and that the contraband were kept for sale in the local area with the help of A4, A5 and A6. Based on which, the case in Crime No.469 of 2024 was registered against the accused for the offences punishable under Sections 8(c), 22(c) & 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985. Hence the case.



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3. Learned counsel appearing for the petitioner submitted that the petitioner, who is arrayed as A3 in this case, is an innocent person and he has been falsely implicated in this case. He further submitted the petitioner has been arrested only based on the confession statement recorded from A1 and A2. He also submitted that the entire contraband was recovered from A1 & A2 and they also confessed that they had purchased the alleged contraband from Vellacheri and intended to sell it to others. He further submitted that the co-accused was also released on bail. He further submits that the petitioner was arrested and is in judicial custody from 29.08.2024 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 respondent submitted that there are 8 accused in this case and the petitioner herein is arrayed as A3. He further submitted that when the respondent police received a secret information about the illegal possession of narcotic substances, they went to the scene of occurrence, wherein they found the petitioner along with other accused is in possession of 3840 Tramadol Tablets (Pyeevon Spas Plus named Tramadol HCL), 12 milligram brown sugar and



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100 grams of ganja, which is a commercial quantity. He further submitted that from this petitioner 480 tablets (Pyeevon Spas Plus named Tramadol HCL) was recovered from him, which is not a commercial quantity. He further submitted that the respondent have arrested the accused and obtained confession statement and the lab report is yet to be received. He further submitted that the accused person A1, A2 and A3 purchased the tablet from A7 and A8 and the same was kept for sale in the local area with the help of A4. He further submitted that the petitioner belongs to Nepal, and that investigation is still pending. He further submits that the petitioner has no previous case pending against him. 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, the quantity of contraband recovered from this petitioner is not a commercial quantity, and the prosecution has already sent the contraband for chemical analysis, and a report has not been obtained for more than 30 days, no



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previous case pending against him, considering the period of incarceration undergone by the petitioner from 29.08.2024 and considering that the petitioner was arrayed as accused based on the 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 X Metropolitan Magistrate, Egmore, 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



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police officer;

[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.

27.11.2024

drl

To

- 1.The X Metropolitan Magistrate,
Egmore, Chennai.
- 2.The Inspector of Police,
K-3 Aminjikarai Police Station,
Chennai.
- 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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