



Crl.O.P. No. 28754 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.28754 of 2024

Surya

... Petitioner

Vs.

State rep. by
The Inspector of Police,
H-8, Thiruvottiyur Police Station,
Thiruvottiyur, Chennai – 600 019.
(Crime No. 1068 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, 2023
to enlarge the petitioner on bail pending investigation in Crime No. 1068 of
2024 on the file of the The Inspector of Police, H-8, Thiruvottiyur Police
Station, Thiruvottiyur, Chennai.

For Petitioner : Mr.C.Balaji

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 18.09.2024, seeking bail in Crime No.1068 of 2024 registered for offences under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act.

2.The case of the prosecution is that on the date of occurrence, i.e., on 18.09.2024, on receipt of secret information regarding sale of contraband items near Thiruvottiyur Mattu Sandhai, the respondent Police rushed to the spot and arrested the petitioner, who tried to escape by dropping the ganja packets, on seeing the Police. Thereafter, contraband items i.e, 1.500 kgs of ganja packets were seized and the petitioner was arrested. Hence, the case.

3.Learned Counsel appearing for the petitioner submitted that the petitioner is an innocent person and the contraband seized from the petitioner is only intermediate quantity. Hence, he prayed for grant of bail to the petitioner stating that the petitioner is ready to cooperate with the respondent for further investigation in this case.



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4.Learned Government Advocate (Crl. Side) appearing for the respondent police while opposing for grant of bail to the petitioner submitted that the petitioner was found in possession of 1.5 kgs of ganja and there are five previous cases pending against the petitioner.

5.Heard the learned Counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record.

6.Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side, taking note of the period of incarceration undergone by the petitioner , this Court is inclined to grant bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruvottiyur and on further conditions that:



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[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 appear before the respondent every day at 06.30 pm, until further orders;

[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 269 B.N.S.

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To
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1. The Judicial Magistrate,
Thiruvottiyur, Chennai.
2. The Inspector of Police,
H-8, Thiruvottiyur Police Station,
Thiruvottiyur, Chennai.
3. The Superintendent,
Central Prison, Puzhal,
Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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