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CRL O.P. No.30152 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.12.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.30152 of 2024

Milan Parichaa

... Petitioner / Accused-6

Vs

State rep. by:-

The Inspector of Police,
PEW - Tiruvallur District.
[Cr. No.222 of 2024]

... Respondent

PRAYER:- The Criminal Original Petition is filed under Section 483 of B.N.S.S., praying to grant bail to the petitioner/Accused-2 in Cr. No.222 of 2024 on the file of the respondent police.

For Petitioner : Mr. S. Palanivel

For Respondent : Mr. S. Balaji,
Government Advocate
[Criminal side]

ORDER

The petitioner / Accused-8 who was arrested and remanded to judicial custody on 15.09.2024 for the offences punishable under



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Sections 8(c) read with 20(b)(ii)(C), 25 and 29(1) of Narcotics Drugs and Psychotropic Substances Act in Cr. No.222 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused were found in illegal possession of Ganja weighing 55 kg and 600 grams. Hence the case.

3. The learned counsel for the petitioner would contend that the respondent police have registered a false case against the petitioner for the offences punishable under Sections 8(c) read with 20(b)(ii)(C), 25 and 29(1) of Narcotics Drugs and Psychotropic Substances Act. The petitioner is an innocent and he is nothing to do with the alleged offences. He is in judicial custody from 15.09.2024. Therefore prayed to grant bail to the petitioner.

4. The learned Government Advocate (criminal side) would submit that totally there are 7 accused in this case. This petitioner is arrayed as



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A7. This case was registered as against the petitioner and others for the illegal possession of Ganja kept for sale. Investigation reveals that A5 has got 55.600 kgs of Ganja from this petitioner/A7 and transported the same from Orissa to Anagapalli and further transported to Tamilnadu through A2. This petitioner is a native of Orissa and hence if he is granted bail, he would abscond. Hence, he strongly opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions made on either side, considering the nature of offences, considering the fact that the entire contraband was recovered only from the accused A1 and A2 and no contraband was recovered from this petitioner and even according to the prosecution, this petitioner is arrayed as an accused based on the confession statement of the co-accused, there is no previous case pending against this petitioner and also considering the incarceration period of the petitioner from 15.09.2024, I am inclined to grant bail to the petitioner,



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subject to the following conditions:

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[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 learned **Judicial Magistrate, Tiruvallur** and on further conditions that:

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

[c] the petitioner shall not commit any offence similar to the offence of which she is accused, or suspected, or of the commission of which she is suspected;

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

[e] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of



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the case so as to dissuade her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

20.12.2024

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
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P.DHANABAL,J
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To

- 1.The Judicial Magistrate, Tiruvallur
2. The Public Prosecutor, Madras High Court, Chennai.
3. The Inspector of Police, PEW - Tiruvallur District.
4. The Superintendent of Police, Central Prison, Puzhal, Chennai.

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