



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2025

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRL.OP No. 21875 of 2024

Srikanth

...Petitioners

Vs.

The State Rep. by
The Inspector of Police,
N3 Muthialpet Police Station,
Chennai.
Crime No. 32 of 2023.

...Respondent

PRAYER : This petition has been filed under Section 483 of BNSS, to
enlarge the petitioner on pending trial in CC No. 639 of 2023 on the file of
Principal Special Judge for NDPS Act, Chennai.

For Petitioner : Mr.T.S.Sasikumar

For Respondent : Mr.S.Balaji,

Government Advocate (Crl. side)

**ORDER**

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This petition has been filed to enlarge the petitioner on bail pending trial in C.C No. 639 of 2023 on the file of the Principal Special Judge for NDPS Act, Chennai.

2. The learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case as if he was found to be in possession of 50 LSD stamps from his pant packet, from which samples were taken and marked as S7, S8. Further, he submitted that the petitioner was unnecessarily roped in this case along with A2 and A3, from whom he has no other connections, nor any reason was explained by the respondent police. Further, he is under judicial custody for more than 20 months and while collecting sample the respondent police has not been followed the procedures properly. As per mahazar, sample weight is measured hardly 8 mg each, which is violation of NCB standing order, in which it is prescribed that weight of 5 mg have to be taken for samples and even from this petitioner it was alleged that he was in possession of 50 LSD stamps but they chosen to take two samples in that weight of each stamp not been mentioned in that mahazar, which is gross violation of standing order 1 of 1989. Besides, in spite of direction given by this Court for near about 20 months there was no progress in trial and also there is no bad antecedents



against this petitioner. Hence, he prayed to grant bail to the petitioner.

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3. The learned Government Advocate (Crl.side) raised objection to grant bail stating that four accused were involved in this case, the petitioner has been arrayed as A4 and the contraband seized from the petitioner is commercial in nature. Totally 30 LSD stamps were recovered from A1 to A2 in Honda Civic car bearing registration No.TN0PBA6969 and from A3 and A4, who came from two wheeler the contraband were seized in this case. Accordingly, from this petitioner 50 LSD stamps weighing 1.25 grams was recovered, which is commercial quantity. Further, he submitted that since the contraband seized from the petitioner is commercial quantity, which attract section 37 of NDPS Act. The petitioner has to satisfy the twin conditions as prescribed in Section 37 of NDPS Act. Hence, he raised objection to grant bail.

4. Heard both sides.

5. Considering the submissions on either side, the petitioner is ranked as A4 among the other four accused. As per the prosecution, 50 LSD stamps were recovered from this petitioner, while he was traveling along with A3. Admittedly, he is under the judicial custody for more than 20 months. Though the final report was filed long back, as on date charges were framed. On earlier occasion this Court directed to complete the Trial within four



months but till date trial is not yet completed. Further, he submitted that the petitioner is under the custody for 20 months without any progress in trial on that ground he prayed for bail to that effect the relied the order of the Supreme Court in the case of Ramlal Vs. The state of Rajasthan in SLP(crl) No. 9510 of 2024. Considering the said proposition as well as case in hand, the petitioner is aged about 22 years old and he has already undergone about 20 months in jail. In spite of direction of this Court, there is no progress in trial. Furthermore, the petitioner has no bad antecedents, nor has any previous case under NDPS Act. In respect of violation in collection of samples, it is a matter of trial. Considering the ratio laid down by the Apex Court and also period of long incarceration undergone by the petitioner and also there is no progress in the Trial. Hence, this Court is inclined to grant bail to this petitioner with the following conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** with **two sureties (one blood surety and one local surety)**, each for a like sum to the satisfaction of the **learned Principal Special Judge for NDPS Act, Chennai**, 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 report before the Trial Court daily at 10.30 a.m, 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 229A IPC.



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To

1. The **Principal Special Judge for NDPS Act, Chennai**

2. The Inspector of Police,
N3 Muthialpet Police Station,
Chennai.

3. The Central Prison-II, Puzhal Chennai.

4. The Public Prosecutor,
High Court of Madras.

T.V.THAMILSELVI, J.

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