

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.6891 of 2021

N.Aravinth

... Petitioner

Vs.

The State rep. by
The Station House Officer,
Thirukovilur Police Station,
Villupuram District. Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to grant bail to him in Crime No.2052 of 2020 on the file of the respondent Police.

For Petitioner : Mr.D.Kumaralingam

For Respondent : Ms.M.Prabhavathi
Additional Public Prosecutor

O R D E R

The petitioner who was arrested on 28.12.2020 for the offence under Sections 8 (c) and 20 (b)(ii)(C) of the NDPS Act in Cr.No.2052 of 2020 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the petitioner during his travel from Thiruvannamalai to Trichy in the Transport Corporation bus was in possession of 26 Kgs of Ganja.

3.The learned counsel appearing for the petitioner would submit that the petitioner is only a traveller and he did not possess any contraband.

4.The learned Additional Public Prosecutor submitted that the petitioner got into the bus belonging to State Transport Corporation, Villupuram running from Vellore to Trichy at Thiruvannamalai with two bags and when the Ticket Checking Inspectors got into the bus, he left the bag inside the bus and ran away. Thereafter it was found that the bags contained 26 Kgs. of Ganja. On receipt of the information from the Driver and Conductor of the bus, the petitioner

was secured. She fairly conceded that there is no previous case as against the petitioner.

5.Considering the period of incarceration undergone by the petitioner, the fact that the contraband was not recovered directly from the petitioner and the fact that there is no previous case pending as against the petitioner, I am inclined to grant bail to the petitioner.

6.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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Trial of Narcotic Drugs and Psychotropic Substances Act Cases, Villupuram and on further condition that:

(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 respondent police, daily at 10.30 a.m. until further orders;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond 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]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

09/04/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SESSIONS JUDGE,
SPECIAL COURT FOR TRIAL OF NARCOTIC DRUGS
AND PSYCHOTROPIC SUBSTANCES ACT CASES,
VILLUPURAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE STATION HOUSE OFFICER,
THIRUKOVILUR POLICE STATION,
VILLUPURAM DISTRICT.

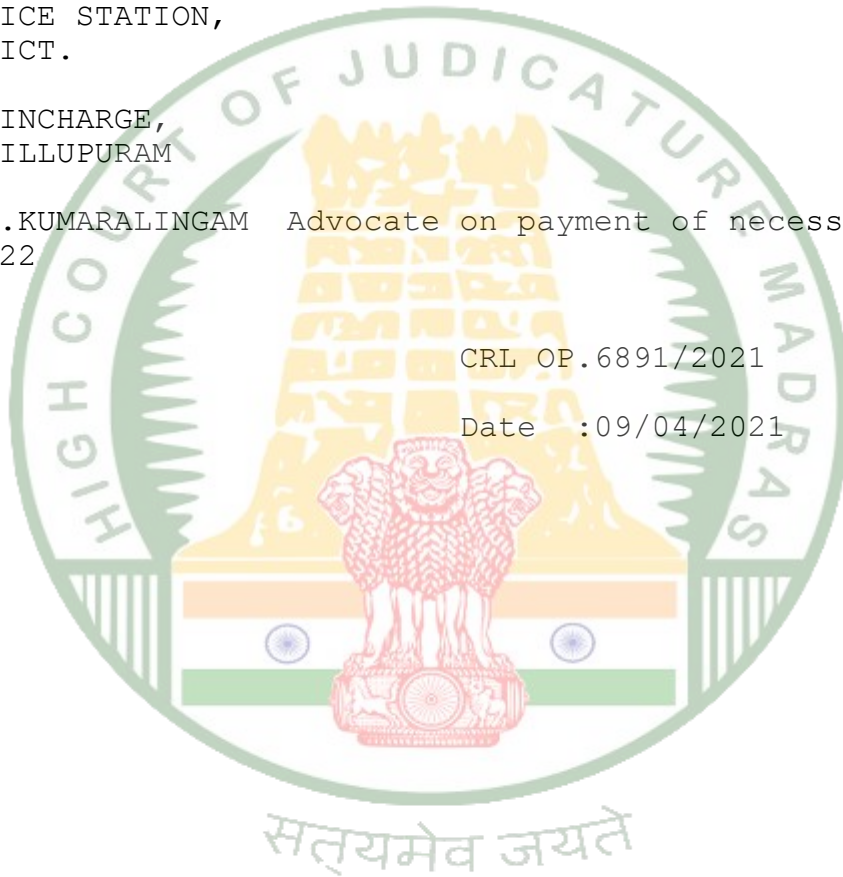
4 THE OFFICER INCHARGE,
DISTRICT JAIL, VILLUPURAM

CC to M/S.D.KUMARALINGAM Advocate on payment of necessary
charges SR.NO.4622

CRL OP.6891/2021

Date :09/04/2021

rvr 15/04/2021



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