



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2022

CORAM:

THE HON'BLE MR.JUSTICE Dr.G.JAYACHANDRAN

Cr1.O.P.No.3395 of 2022

Ayyanan

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Anchetty Police Station,
Krishnagiri Taluk.

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending investigation in Crime No.226 of 2021 on the file of the respondent police.

For Petitioner : Mr.S.Velmurugan

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 24.11.2021 for the offences punishable under Section 8(c) r/w 20(a)(i), 22(c) of NDPS Act, in Crime No.226 of 2021, on the file of the respondent police, seeks bail.

2. The petitioner herein was arrested for the alleged possession of 30 Kg of ganja.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and the entire case of the prosecution is a concocted story and nothing was recovered from the petitioner.

4. When the specific question was asked, the learned Additional Public Prosecutor concedes that in respect of destruction of 30 ganja plants about five feet each, no videograph or photographs



have been taken. The seizure memo also does not indicate that the plants were brought up and weighted. The approximate weight indicates that 30 plants each about 1 Kg and the said weight is only approximate estimate of the seizure officer. When the Act classify the gravity of the offence based on the weight, the Police Officer, who seized the contraband had done the job in very cavalier manner in unmindful of consequences and his responsibility.

5. Considering the facts, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Special Judge for EC/NDPS Act Cases, Salem.

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner is directed to appear before the Investigating Officer as and when required.

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

(e) the petitioner shall not abscond either during investigation or trial;

(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.

-sd/-

07/03/2022

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.



1 THE SPECIAL JUDGE,
SPECIAL COURT FOR EC/NDPS ACT CASES, SALEM.

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

3 THE INSPECTOR OF POLICE,
ANCHETTY POLICE STATION,
KRISHNAGIRI TALUK.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. S.VELMURUGAN Advocate on payment of necessary
charges SR.NO. 3461

CRL OP.3395/2022

Date :07/03/2022

RW 07/03/2022