



Crl.O.P.No.5421 of 2022

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Dr.G.JAYACHANDRAN,J.

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The petitioner, who apprehends arrest for the alleged offences **under Sections 8(c) & 20 (b) (ii) (B) of Narcotic Drugs & Psychotropic Substances Act, 1985** in Crime No.34 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The petitioner herein is a named accused in the First Information Report registered by the respondent Police on 23.01.2022 in a case related to seizure of 1.100 kgs of Ganja. Based on the co-accused statement, this petitioner has been implicated.

3. The learned counsel appearing for the petitioner would submit that on the alleged date of occurrence the petitioner was not in Tamil Nadu, but he was driving a van in the State of Kerala.

4. Considering the fact that the contraband alleged to have been recovered from the petitioner is in between quantity and very bordering in small quantity and the petitioner is arrayed as an accused solely based on the



confession statement of the co-accused from whom the contraband was seized, this Court is of the view that the petitioner may be released on the Bail in the event of arrest.

5.Hence, this Criminal Original Petition is allowed subject to certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the **District & Essential Commodities and NDPS Court, Salem** on condition that 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioner and the sureties shall affix his photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



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

(c)**the petitioner shall report before the Investigating Officer as and when required and shall co-operate for investigation.**

(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 has 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.

11.03.2022

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