



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.5345 of 2022

Seetharaman .. Petitioner

Vs.

State rep. by
The Inspector of Police,
Sub-Inspector of Police, NIB-CID,
Vellore District.
(Crime No.1 of 2022)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in connection of with Crime No.1 of 2022, on the file respondent police.

For Petitioner : Mr.M.Ganesh

For Respondent : M/s.G.V.Kasthuri
Additional Public Prosecutor

O R D E R

The petitioner, who was arrested on 03.01.2022 for the offences punishable under Section 8(c) read with 20 (b) (ii) (B) of NDPS Act in Crime No.1 of 2022, on the file of the respondent police, seeks bail.

2.Based on prior information, when the respondent police had conducted a search in public transport bus at Christianpat check post, the petitioner was found in possession of 10 kgs of ganja which according to his statement, he has purchased it from Andhra Pradesh and with intent to sell it at Madurai. Hence he was arrested on 03.01.2022 for the offences under section 8(c) read with 20 (b) (ii) (B) of NDPS Act.

3.The petitioner herein seeks bail on the ground that the seizure was conducted in a public transport bus however not supported by any independent witness. This alleged seizure in a public bus without any independent witness itself makes the theory of the prosecution unbelievable and further more, the petitioner is innocent person, who went to Tirupathi and returning back. He has no bad antecedence and ready to abide by any condition imposed by the Court.



3. The transport bus was intercepted based on a specific information received by the respondent police at about 6 a.m. in the morning on 03.01.2022. The seizure in a public place not been supported by any independent witness and as pointed out by the petitioner in his bail petition, the respondent has not even ensured and obtained the name of the driver and the conductor of the bus. In such circumstances, since there is some suspicion about the recovery of the contraband in the manner stated in the F.I.R., this Court grants bail to the petitioner herein and he 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, 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 report before the Special Court, Salem on every first working day of month and also on all dates of 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 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];

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

-sd/-
23/03/2022

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 FOR
EC/NDPS ACT, SALEM.

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

3 THE INSPECTOR OF POLICE,
THE SUB INSPECTOR OF POLICE,
NIB-CID, VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SPECIAL COURT,
SALEM.

+1 CC to M/S M.GANESH Advocate on payment of necessary charges
SR.NO. 4342

CRL OP.5345/2022

Date :23/03/2022

RW 23/03/2022