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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2022

CORAM:

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

Crl.O.P.No.5443 of 2022

Alekha Nayak K

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
NIBCID,
Salem.
Crime No.51 of 2021

...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.51 of 2021 on the file of the respondent police.

For Petitioner : Mr.D.Balamurali

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 31.12.2021 for the offences punishable under Section 8(c) r/w 20(b)(ii) (B) of NDPS Act, 1985, in Crime No.51 of 2021, on the file of the respondent police, seeks bail.

2. The petitioner herein was travelling in Kollam Express, on specific information, the respondent Police has searched the petitioner at Salem and from his possession of 4.200 Kgs of Ganja and the same was seized. The respondent Police arrested the petitioner on 31.12.2021. On completion of investigation, they filed a final report before the Special Court for EC/NDPS Act cases, Salem.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he and his family are engaged in the construction work at Kollam and when he was proceeding to Thirusur, he was arrested at Salem and falsely implicated for the possession of 4.200 Kgs of Ganja.



4. The learned Additional Public Prosecutor states that though the investigation has been completed and final report has been filed. Since the petitioner is in resident of Odisha, if released on bail, securing him will be difficult.

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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 the Exclusive Trial of 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 Special Judge for the Exclusive Trial of EC/NDPS Act Cases, Salem on first Monday of every month and attend all hearing dates without fail.

(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/-

21/03/2022

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 JAIL, SALEM

3 THE SPECIAL JUDGE FOR
THE EXCLUSIVE TRIAL OF EC/NDPS ACT CASES,
SALEM

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 INSPECTOR OF POLICE,
NIBCID, SALEM

CC to M/S D.BALAMURALI Advocate on payment of necessary charges
Sr.4238

CRL OP.5443/2022

Date :21/03/2022

RVR 21/03/2022