



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.7137 of 2022

Chandrasekaran

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Erumapatty Police Station,
Namakkal District.
(Crime No.664 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.664 of 2021 on the file of the respondent police.

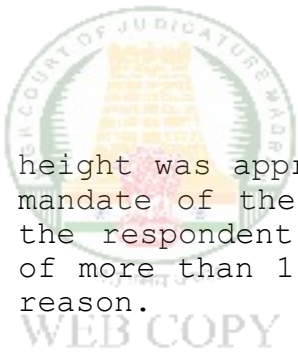
For Petitioner : Mr.B.Vasudevan

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

ORDER

The petitioner/A2, who was arrested on 06.12.2021 for the offences punishable under Sections 8(b) r/w. 20(a)(i) and 29(1) of Narcotic Drugs & Psychotropic Substances Act, 1985 in Crime No.664 of 2021, on the file of the respondent police, seeks bail.

2. The petitioner herein was arrested on 06.12.2021 alleging that, he had cultivated Ganja plant in front of his house, amidst the plants and on information, the respondent police went to the house of the petitioner at about 09.30 hours on 06.12.2021 and uprooted 8 Ganja plants after drawing the samples and destroyed the rest of the plant. From the seized Mahazar, this Court does not find where the alleged Ganja plant was weighted to ascertaining the quantity. The prosecution has approximately alleged that 8 Ganja plants of 2 meters



height was approximately 12 Kgs., which is not in consonance with the mandate of the notification. Without weighing the seized contraband, the respondent police destroyed it and furthermore even after lapse of more than 100 days, they have not filed final report for the said reason.

3. Considering the above fact and the submissions made, this court is of the view that the petitioner may be granted bail subject to certain conditions. 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 Judicial Magistrate, Sendamangalam.

(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 Judge for EC/NDPS Act Cases, Salem on 1st and 15th of every month until further orders;

(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/-
30/03/2022

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.



TO

1 THE JUDICIAL MAGISTRATE,
SENDAMANGALAM

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

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

4 THE INSPECTOR OF POLICE,
ERUMAPATTY POLICE STATION,
NAMAKKAL DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.B.VASUDEVAN Advocate on payment of necessary
charges SR.NO.4885

CRL OP.7137/2022

Date :30/03/2022

JPA 31/03/2022