



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.7368 of 2022

Kaliappan

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Anchetty Police Station,
Krishnagiri District.
(Crime No.219 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.219 of 2021 on the file of the Respondent police.

For Petitioner : Mr.M.P.Saravanan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.11.2021 for the offences punishable under Sections 8(c) read with Section 20 (a) (i) & 22 (c) of the NDPS Act in Crime No.219 of 2021, on the file of the respondent police, seeks bail.

2. The petitioner was arrested on 07.11.2021 for alleged cultivation of Ganja plant. As per the prosecution, based on the specific information, the respondent Police went to the field of the petitioner herein and found him cultivating Ganja plant and thirty Five Ganja plants (each 5 feet height) were recovered, out of which, thirty four plants were destroyed and one has been taken for chemical analysis.



3. From the Seizure Mahazar, this Court finds that the seized ganja plants were not weighed before destruction. Since the NDPS Act provides for graded punishment based on the weight, it is essential and mandatory for the authorities to weigh the contraband and it cannot be approximately weighed and for that reason, this Court is inclined to grant bail to the petitioner.

4. 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, EC & NDPS Court, 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 shall report before the Investigating Officer on first working day of every month till the completion 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/-
04/04/2022

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 SPECIAL JUDGE,
EC & NDPS COURT, SALEM.

2 THE INSPECTOR OF POLICE,
ANCHETTY POLICE STATION,
KRISHNAGIRI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.P.SARAVANAN Advocate on payment of necessary charges

CRL OP.7368/2022

Date :04/04/2022

JPA 05/04/2022