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CrI.OP.No.16192 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No.16192 of 2022

1.Haridass @ Ajith  
2.Kumaresan

..Petitioners

Vs.

The State rep. by  
The Inspector of Police,  
Arakkonam Taluk Police Station,  
Arakkonam,  
Ranipet District.  
Crime No.107/2022  
PRAYER:

..Respondent

Criminal Original Petition is filed under Section 439 of Cr.P.C.  
praying to enlarge the petitioners on bail in connection with the case in  
Crime No.107 of 2022 pending investigation on the file of the respondent  
police.

For Petitioners : Mr.P.Krishnan

For Respondent : Mr.A.Damodaran,  
Additional Public Prosecutor

### **ORDER**

The petitioners, who were arrested and remanded to judicial



CrI.OP.No.16192 of 2022

custody on 29.03.2022 for the offence under Sections 8(c) r/w 20(b)(ii)(B) Narcotic Drugs and Psychotropic Substances Act, 1985 in crime No.107 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners were found in possession of 1,150 grams of Ganja and selling it to the general public. Hence, the case was registered against the petitioners.

3. The petitioners were in possession of 1,150 grams of Ganja. After their arrest, they were detained under GOONDAS Act. However, subsequently their detention Orders were set-aside by the advisory board by the Orders dated 24.06.2022. The possession of contraband is below the commercial quantity.

4. Considering the above facts and circumstances of the case, and also the period of incarceration of the petitioners from the date of their arrest i.e. 29.03.2022, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail



CrI.OP.No.16192 of 2022

on their executing a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related sureties, each for a like sum to the satisfaction of the **learned Special Judge for EC/NDPS Act Cases, Salem** and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police twice daily at 10.30 a.m. and 5.30 p.m., for a period of four weeks and thereafter, as and when required for interrogation.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with evidence or witness 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].



CrI.OP.No.16192 of 2022

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[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

20.07.2022

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**G.K.ILANTHIRAIYAN, J.**

mpl

To

- 1.The Special Judge for EC/NDPS Act Cases,  
Salem.
- 2.The Inspector of Police,  
Arakkonam Taluk Police Station,  
Arakkonam,  
Ranipet District.
- 3.Central Prison,  
Salem.
- 4.The Public Prosecutor,  
High Court of Madras

CrI.O.P.No.16192 of 2022

20.07.2022