



Crl.O.P.No.20015 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(c) & 20 (b)(ii)(B) of Narcotic Drugs & Psychotropic Substances Act, 1985 in Crime No.628 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that petitioner and his wife was found in possession of 12 Kgs of Ganja illegally. Hence, the case.

3. There are totally 3 accused, in which the petitioner is arrayed as A3. Even according to the case of the prosecution, the contraband weighing 2 Kgs was seized from A1 and contraband weighing 12 Kgs was seized from A2, who is none other than the wife of the petitioner herein. Only on the confession of the other accused persons the petitioner has been implicated as an accused. Admittedly, the petitioner was not present in the scene of crime. He was not in possession of any contraband. That apart, the petitioner had no bad antecedents.

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Therefore, the petitioner satisfied the twin conditions as contemplated under Section 37 of NDPS Act and made out a *prima-facie* case for considering the bail petition.

4. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, **the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as non refundable deposit to the credit of COVID-19 SALEM DISTRICT; SB.A/c No : 190601000434; IFSC code : ICIC0006119; The Personal Assistant (General) to the Collector, Collectorate, Room No.117, First Floor, Salem-636 001, Ph.No.9445008148, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the 2nd Additional Special Court for EC & NDPS Cases, Chennai** on condition that the petitioner shall execute a bond for



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a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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 petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as non refundable deposit to the credit of COVID-19 SALEM DISTRICT; SB.A/c No : 190601000434; IFSC code : ICIC0006119; The Personal Assistant (General) to the Collector, Collectorate, Room No.117, First Floor, Salem-636 001, Ph.No.9445008148 within a period of four weeks from the date on which the order copy made ready and the receipt of such deposit shall be produced before the concerned learned Magistrate at the time of execution of bond.

[c] the petitioner shall report before the trial Court daily at 10.30 a.m. for a period of six weeks and thereafter on all further hearing dates.

[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



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trial.

[f] On breach of any of the aforesaid conditions, the learned 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.

24.08.2022

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