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CrI.OP.No.21981 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

CrI.OP.No.21981 of 2022

Vijay

...Petitioner

Vs.

State Rep. by Inspector of Police,
Shoolagiri Police Station,
Krishnagiri District.

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.290/2022 pending on the file of the respondent.

For Petitioner :Mr.E.Kannadasan

For Respondent : Mr.C.E.Pratap
Government Advocate (CrI.side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.08.2022 for the offences punishable under Sections 8(c) read with 20(b)(ii)(A) of NDPS Act in Crime No.290 of 2022 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that on 05.08.2022 at about 16.30 hours, the respondent police station have received secret information. Based on that information, the Sub-Inspector of Police and his team went to the place of occurrence and conducted a vehicle check-up. At that time, One Passion Pro Two Wheeler bearing registration No. TN 70 J 661 which was driven by petitioner/A1 and another namely A2 was sitting on the pillion rider and on seeing the police, A2 escaped from the spot. The respondent police stopped the vehicle and conducted a check-up with A1 and found 1 Kg 100 grams of Ganja. Immediately, A1 was arrested and the contraband was seized. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, prays for grant of bail to the petitioner.

4. The respondent has filed a detailed counter.

5. The learned Government Advocate (Crl.Side) appearing for



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the respondent submitted that the petitioner along with another accused was found in possession of 1.100 Kg of Ganja. He further submitted that the seized contraband is not a commercial quantity. However, he vehemently opposed to grant bail to the petitioner.

6. Heard the learned counsel. Perused the counter filed by the learned Government Advocate (Crl.side) appearing for the respondent.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) with **two sureties** (out of which, one surety shall be a blood relative of the petitioner), each for a like sum to the satisfaction of **learned Spl. 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



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their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m. and 5.30 p.m., until further orders.

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

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mpl



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A.D.JAGADISH CHANDIRA, J.

mpl

To

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

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