



Crl.O.P.No.23118 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2022

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

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Gowtam Das @ Gowtham Das

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Jolarpet Police Station - Chennai Railways,
Vellore.

(Crime No.112 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in Crime No.112 of 2022, pending
investigation on the file of the respondent Police.

For Petitioner : Mr.T.Muruganantham

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side).



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.07.2022 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act, in Crime No.112 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 6 Kgs of Ganja. Hence the Complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he was working in Tiruppur. He would further submit that he was intercepted, while he was travelling in a train and due to miscommunication, he was falsely implicated in this case. He would also submit that the alleged substance does not belong to the petitioner and he is in custody from 09.07.2022 and hence, he prays for grant of bail to the petitioner.



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4. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent would submit that though the petitioner has been employed as labour in Tiruppur, he is a native of Odisha and he had brought about 6 kilograms of ganja from Odisha for distributing it in Tiruppur. He would also submit that there is no previous case against the petitioner and since the petitioner is from Odisha, if he is released on bail, there is every possibility for the petitioner to abscond and being not available for trial. Hence, he vehemently opposed to grant bail to the petitioner.

5. In reply, the learned counsel for the petitioner would submit that the petitioner has been working as labour in Tiruppur for the past five years and he is ready to furnish the local surety.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.



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7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and also taking note of the fact that there is no previous case against the petitioner and he is in custody from 09.07.2022, 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 should be a blood related surety and should produce document to show his/her means and other surety shall be a local surety), 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 petitioner shall report before the respondent police daily at 5.30 p.m., until further orders;



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[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 abscond, a fresh FIR can be registered under Section 229A IPC.

23.09.2022

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To

1. The Special Judge for EC/NDPS Act Cases,
Salem.
2. The Inspector of Police,
Jolarpet Police Station - Chennai Railways,
Vellore.
3. The Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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