



CrI.O.P.No.23757 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2022

CORAM

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

CrI.O.P.No.23757 of 2022

Pradeep Mohan

... Petitioner

Vs.

The State represented by,
The Station House Officer,
Bahour Police Station.
Puducherry.

(Crime No.102 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.102
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.N.Subramani

For Respondent : Mr.V.Balamurugane
Public Prosecutor (Puducherry)



Crl.O.P.No.23757 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.08.2022 for the offences punishable under Sections 20(b)(ii),(B) of NDPS r/w Sec.8(c) of NDPS Act 1985 r/w 34 IPC and Section 77 of J.J.Act in Crime No.102 of 2022 on the file of respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found to be in possession of 6 Kgs of Ganja. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that this is the second bail application before this Court and on an earlier occasion, bail application in Crl.O.P.No.22332 of 2022 was dismissed on the ground that the petitioner has 4 previous pending cases of similar nature. He would further submit that though there are 4 previous cases as against the petitioner, two previous cases are under the Prohibition Act and other two cases are for having in possession of small quantity of ganja. He would also submit that the petitioner is in custody from 09.08.2022 and he is also ready



Crl.O.P.No.23757 of 2022

to abide by any stringent conditions that may be imposed by this Court.

Therefore, he prays for grant of bail to the petitioner.

4. The Public Prosecutor (Puducherry) appearing for the respondent police would submit that the petitioner was found to be in possession of 6 Kgs of Ganja and the contraband has been recovered from him. He would further submit that the petitioner is a habitual offender and there are 4 previous cases against him, out of which two are under Prohibition Act and other two are under NDPS Act. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Public Prosecutor (Puducherry) for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and taking note of the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner.



CrI.O.P.No.23757 of 2022

7. 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**, each for a like sum to the satisfaction of the **learned (Special Judge) III Additional Sessions Judge, Puducherry** 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 everyday at 10.30 a.m., and 5.30p.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]***;



Crl.O.P.No.23757 of 2022

WEB COPY

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

10.10.2022

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To

1. The III Additional Sessions Judge (Special Judge),
Puducherry.
2. The Station House Officer,
Bahour Police Station,
Puducherry.
3. The Sub Jail,
Puducherry.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.23757 of 2022

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.23757 of 2022

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