



Crl.O.P.No.23851 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2022

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

Crl.OP.No.23851 of 2022

Aswanth Surya

... Petitioner

Vs.

The State Represented by,
Inspector of Police
Kovilpalayam Police Station,
Coimbatore District.

Crime No: 382 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased enlarge the petitioner on bail in Crime No.382 of 2022 on the file of
respondent Police.

For Petitioner : Mr.B.Ramesh Babu

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 30.08.2022 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B), 22(a) & 22 (b) of NDPS Act, in Crime No.382 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 30.08.2022, on receiving a secret information about the illegal transportation of Narcotic Substances near Amaroom Foundary Rathinagiri Road, the respondent Police conducted a vehicle check up and on interception of the accused, they were found in illegal possession of 5 Kg of Ganja, 3 grams Methamphetamine and 40 grams of Ganja Saras. The accused were arrested and the contrabands were seized from them. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner, aged about 20 years, is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner was arrested by the respondent police while he was travelling along



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with A1 and he further submit that the petitioner was not aware of the possession of contraband by the first accused. He would also submit that the contraband recovered from the first accused is not a commercial quantity and no contraband has been recovered from the petitioner. He would further submit that the petitioner is in custody from 30.08.2022 and he has no bad antecedents. Hence, he seeks for grant of bail to the petitioner.

4. The respondent has filed a detailed counter.

5. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner is arrayed as A2 in this case. He would further submit that the petitioner along with the other accused has illegally transported 5 Kg of Ganja, 3 grams Methamphetamine and 40 grams of Ganja Saras. He would further submit that the contraband has been recovered from the first accused. He would also submit that there is no previous case as against the petitioner. However, he vehemently opposed to grant bail to the petitioner.



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

7. Taking into consideration the facts and submissions made by the learned counsel and taking note of the fact that the recovered contraband is not a commercial quantity and also considering the age of the petitioner and there is no previous case as against the petitioner, this Court is inclined to grant bail to the petitioner. 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**, for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Coimbatore**, 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;



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[b] the petitioner shall report before the respondent Police, every day at 10.30 a.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 abscond, a fresh FIR can be registered under Section 229A IPC.

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To

1. The Judicial Magistrate No.II, Coimbatore.
2. The Inspector of Police
Kovilpalayam Police Station,
Coimbatore District,
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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