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Crl.O.P.No.24613 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

CORAM

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

Crl.O.P.No.24613 of 2022

Balaram Malik @ Balaram Mallick

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Ambur Police Station,
Thirupathur
Crime No.200 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending investigation in Crime
No.200 of 2022 on the file of the respondent police.

For Petitioner : Mr.T.Balaji

For Respondent : Mr.C.E.Pratap

Government Advocate (Crl.Side)



Crl.O.P.No.24613 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 8(c) read with Section 20(b)(ii)(B) of NDPS Act in Crime No.200 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused were involved in transportation of 8kgs of ganja from Odisha. 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. He would further submit that, even as per the prosecution, the alleged contraband has been recovered from A1 and A2 and that no recovery was made from the petitioner. He would further submit that the petitioner has been suffering incarceration from 09.08.2022 and hence, he prays for grant of bail to the petitioner.



Crl.O.P.No.24613 of 2022

WEB COPY

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that, the petitioner along with other accused were involved in transportation of 8kgs of ganja from Odisha. He would further submit that, apart from this case, there is no previous case pending against the petitioner, however, he opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and other materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submission made by the learned counsel and also considering that no recovery has been made from the petitioner, this Court is inclined to grant bail to the petitioner.

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(Out of which, one shall be a blood relative)**, each for a like sum to the satisfaction of the **learned Special Judge for EC/NDPS Act Cases, Salem** and on further conditions that:



Crl.O.P.No.24613 of 2022

[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 produce the proof of permanent residence, while executing the sureties before the learned Magistrate.

[c] the petitioner shall report before the respondent Police everyday at 10.30 a.m., until further orders;

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not tamper with evidence or witness either during investigation or 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]*;



Crl.O.P.No.24613 of 2022

WEB COPY

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

03.11.2022

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To

1. learned Special Judge for EC/NDPS Act Cases,
Salem.
2. The Inspector of Police,
Ambur Police Station,
Thirupathur
3. Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.24613 of 2022

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.24613 of 2022

03.11.2022