



Crl.O.P.No.24320 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 8(c) and 20(b)(ii)(B) of NDPS Act, in Crime No.235 of 2022, seeks anticipatory bail.

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

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with the alleged offence. He would further submit that no contraband has been recovered from the petitioner and the co-accused was already granted bail. Hence, he prays for grant of anticipatory bail to the petitioner.

4.Per contra, the learned Additional Public Prosecutor would submit that the petitioner along with other accused were found in



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possession of 2 Kgs of Ganja and on seeing the police persons they ran away from the scene of occurrence. He would further submit that recovery has been made from A1, he was arrested and later released on bail and no recovery made from the petitioner. He would further submit that there is no previous case pending as against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5.Taking into consideration the facts of the case and the submissions made by the learned Counsel and also of the fact that there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Metropolitan Magistrate No.IX, Saidapet, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five



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Thousand only) with two sureties for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond 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



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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;

25.11.2022

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