



Crl.OP.No.24836 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2022

CORAM

THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

Crl.OP.No.24836 of 2022

Ashok Kumar

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Ammamet Police Station,
Salem District.
In Crime No.466/2022

... 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.466 of 2022 on the file of the respondent police.

For Petitioner : Mr.S.Bharanidharan

For Respondent : Mr.C.E.Pratap,
Government Advocate (crl.side),



Crl.OP.No.24836 of 2022

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ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.08.2022 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) of Narcotic Drugs & Psychotropic Substances Act, 1985, Section 6(b), 24(1) of Cigarette and other Tobacco Products Act, 2003 and Section 77 of Juvenile Justice (Care and Protection of Children Act), 2015 in Crime No.466 of 2022 on the file of respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is the lorry driver and his lorry was intercepted by the Inspector of Police, Ammapet, during the regular check up near Ammapet National Highway. During the search, the respondent police seized 2 kgs of Ganja and prohibited tobacco substances viz., 1)V1-Tobacco-116 Packets 2)Vimal Pan Masala-47 packets 3) Hans -20 packets 4)Cool lip-26 5) 7-pouch-Vimal Pan Masala and also seized the lorry bearing Registration No.TN 30 K 4809. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has nothing to do with the alleged offence. He would submit that admittedly, the contraband has been seized



Crl.OP.No.24836 of 2022

from the top of the lorry and not inside the cabin of the lorry. The petitioner was not aware of the contraband that how it was found there. The petitioner is the sole bread winner of the family. The petitioner has no previous case pending against him. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (crl.side) appearing for the respondent would submit that on 22.08.2022 at 4.30 hrs, the lorry bearing Registration No. TN 30 K 4809 was intercepted by the respondent police near Ammapet National Highway. On seeing the police, the petitioner, who is the driver of the lorry and the cleaner attempted to flee. Hence, the lorry was completely searched by the police and on search, the respondent police found 2 kgs of Ganja and prohibited tobacco substances viz., 1)V1-Tobacco-116 Packets 2)Vimal Pan Masala-47 packets 3) Hans -20 packets 4)Cool lip-26 5) 7-pouch-Vimal Pan Masala. The contraband and the lorry has been seized by the respondent police. Further, the petitioner and the cleaner were arrested. He would submit that the petitioner has no bad antecedents and the investigation is completed, awaiting for FSL Report. Further, charge sheet is yet to be filed. Hence, he vehemently opposed to grant bail to the petitioner.



Crl.OP.No.24836 of 2022

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5. Heard both the learned counsel and perused the materials available on record including the First Information Report.

6. Taking into consideration of the facts and circumstances of the case and also taking note of the fact that the investigation is over and the petitioner has no bad antecedents, this Court is inclined to grant bail to the petitioner with certain conditions.

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 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;



CrI.OP.No.24836 of 2022

[b] the petitioner shall report before the respondent Police daily 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.

07.11.2022

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Crl.OP.No.24836 of 2022

M. NIRMAL KUMAR,J.

shk

To

1. The learned Special Judge for EC/NDPS Act cases, Salem
- 2.The Inspector of Police,
Ammamet Police Station,
Salem District.
3. The Central Prison,
Salem
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.24836 of 2022

07.11.2022