



CrI.O.P.No.24861 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2022

CORAM

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

CrI.O.P.No.24861 of 2022

Ramesh

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Karuppur Police Station.

(Crime No.291 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.291
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.G.Munuraj

For Respondent : Mr.C.E.Pratap
Government Advocate (CrI.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.08.2022 for the alleged offences punishable under Sections 8(c), 20(b)(ii)(B) Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.291 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 21.08.2022 at about 18.30 hours, on receipt of a secret information about the illegal sale of Ganja, the Special Sub-Inspector of Police along with his team went to the place of occurrence, wherein, the petitioner along with the other accused were found in illegal transportation of 1.500 kilograms of Ganja and the respondent have seized the contraband of one kilogram from A1 and 500 grams from A3 under the cover of seizure mahazar in the presence of witness and registered a case in Crime No.291 of 2022 under Sections 8(c) r/w 20(b)(ii)(B) Narcotic Drugs and Psychotropic Substances Act, 1985. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and since, he has got one previous



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case for the offence under Section 302 IPC and another case under NDPS Act for an illegal possession of 150 grams of Ganja, the respondent directed him to appear before the respondent Police and since, the petitioner did not appear before them, the respondent has registered a false complaint against the petitioner, as if he was in illegal possession of 500 grams of Ganja. He would also submit that the petitioner is in custody from 22.08.2022 and he is ready to abide by stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The respondent has filed a detailed counter in this case.

5. The Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner, who is arrayed as A3, along with the other accused illegally transported 1.5 kilograms of Ganja, out of which 500 grams were recovered from this petitioner. He would also submit that the petitioner is having a previous case for the offence under Section 302 IPC, which is pending trial in S.C.No.40 of 2020 on the file of the learned Principal Sessions Court, Thiruchengodu and since the petitioner did not appear before the trial Court, he has been issued with a non-bailable



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warrant. Hence, he would oppose for grant of bail to the petitioner.

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

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and taking note of the quantity recovered from the petitioner and also considering the fact that there is no previous case as against the petitioner under NDPS Act, this Court is inclined to grant bail to the petitioner.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a separate 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:



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[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 5.30 p.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.

10.11.2022

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To

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



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A.D.JAGADISH CHANDIRA.,J.

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