



Crl.O.P.No.25600 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

CORAM

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

Crl.O.P.No.25600 of 2022

Bibekananda Bagha

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Railway Police Station,
Jolarpet.
(Crime No.130 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.130
of 2022 on the file of the respondent Police.

For Petitioner : Mr.B.Sundarapandiyan

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 11.08.2022 for the alleged offences punishable under Sections 8(c) r/w 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Act, 1985 in Crime No.13 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 11.08.2022, the petitioner along with other accused were found in possession of 7 kgs of ganja. 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 also submit that there is no recovery from the petitioner and recovery has been made only from the other accused and there is no previous case against him. He would further submit that the petitioner is in custody from 11.08.2022 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.



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

5. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner along with other accused were found in possession of 7 kgs of ganja. He would further submit that there is no previous case pending against the petitioner. He would further submit that the petitioner is native of Odisha and presently he is residing at Tiruppur District. However, he vehemently opposed to grant 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 also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner.



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8. 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 related 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;

[b] the petitioner shall produce the proof of permanent residence, while executing the sureties.

[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



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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]***;

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

20.10.2022

Sma/mka

To

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



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A.D.JAGADISH CHANDIRA.,J.

Sma/Mka

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