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Crl.OP.No.26795 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2022

CORAM

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

Crl.OP.No.26795 of 2022

Manikandan

..Petitioner

Vs.

The State Represented by,
The Inspector of Police,
D2, Selvapuram Police Station,
Coimbatore District.
Crime No. 240 of 2022

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in connection with Crime
No.240/2022 on the file of respondent police.

For Petitioner : Mr.B.Aravinthan

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 16.08.2022 for the offences punishable under Sections 8(c) read with Section 20(b)(ii)(B) of NDPS Act, subsequently the FIR is altered into Sections 8(C) r/w. 20(b)(ii)(C), 25 of NDPS Act in Crime No.240 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 06.08.2022, the respondent police received a secret information about the illegal transportation of narcotic substances. Therefore, the Sub-Inspector of Police along with his team went to the scene of occurrence and conducted a check up. At that time, they found that the petitioner was standing with his two wheeler bearing registration No.TN 99 T 6585 and seized 180 grams of Ganja from the petitioner/A1 and arrested the petitioner and recorded his confession statement. Thereafter, the respondent police went to A1's friends house and seized 1.620 grams of Ganja and arrested the accused along with the seized contrabands. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is arrayed as A1 in this case. Even as per the



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prosecution, the alleged contraband stated to have been recovered is 1.800 Kgs of ganja, which is not a commercial quantity. He would submit that even as per the confession recorded from the petitioner, he has stated to have received ganja from A2, from whom 19 Kgs of ganja had been recovered. He would submit that A2 has also stated that he had purchased the major quantity and supplied to the petitioner. He would also submit that there is no previous case pending against the petitioner and the recovery from him is only 1.800 Kgs of ganja, which is in between small and commercial quantity and that the petitioner is in custody for more than 91 days. He would submit that the investigation is pending and final report not been filed so far. He would further submit that in respect of the recovery from the petitioner, Section 37 of NDPS Act will not be attracted. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner is an associate to A2, who had purchased ganja from Andhra Pradesh and he had handed over to the petitioner for retail sale. The petitioner was found in illegal



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transportation of 1.800 Kgs of ganja and the quantity was recovered from him. He would further submit that the investigation is pending. Hence, he opposed for grant of bail to the petitioner.

5. Heard the learned counsels and also perused the materials available on record.

6. Taking into consideration the facts and submissions and the period of incarceration of the petitioner from the date of his arrest, 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 should be a blood related surety either father or mother of the petitioner** each for a like sum to the satisfaction of the learned **Judicial Magistrate No.V, Coimbatore** 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



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their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police everyday 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 absconds, a fresh FIR can be registered under Section 229A IPC.

09.11.2022

Anu

A.D.JAGADISH CHANDIRA, J.

Anu



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To

1. The Judicial Magistrate No.V,
Coimbatore.
- 2.The Inspector of Police,
D2, Selvapuram Police Station,
Coimbatore District.
3. The Central Prison,
Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras

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