



CrI.O.P.No.27118 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2022

CORAM

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

CrI.O.P.No.27118 of 2022

Saran

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Avinashi Police Station,
Tiruppur District.

(Crime No.221/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in connection
with the Crime No.221 of 2022 on the file of the respondent Police.

For Petitioner : Mr.M.Marudhachalam

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



CrI.O.P.No.27118 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.04.2022 for the offences punishable under Sections 8(c), 20(b)(ii)(c) and 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act in Crime No.221 of 2022 on the file of the respondent Police, seeks bail.

2.The case of the prosecution as per the defacto complainant Amal Arockiadass who is the Sub Inspector of Police, Avinashi Police Station is that on receipt of a secret information, he along with his team went to the place of occurrence, wherein, there persons were standing near a pulsar bike with one travel bag. On seeing the Police officials, they have attempted to escape from the place of occurrence and three persons namely Murugesan, Saran and Achu @ Suresh were arrested and on search, 6 kgs of dry Ganja was recovered from them and on their confession, they had purchased the same from A1/Shanthi, who had brought that from Andhra Pradesh. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and since there are 13 previous cases



Crl.O.P.No.27118 of 2022

pending against him for the offences under Sections 392, 394 and 380 of IPC and in order to curtail the further activities of the petitioner, the case has been foisted against him. Even as per the respondent, the petitioner is stated to have purchased 6 kgs of Ganja from A1/Shanthi, from whom, 15 kgs of Ganja was recovered. He would further submit that subsequently, pursuant to the order passed by the learned District Magistrate and District Collector, Tiruppur District in Crl.M.P.No.69 of 2022, the petitioner was detained under Act 14 and thereafter, the order came to be revoked by the Advizory Board. He would further submit that the quantity recovered from the petitioner is only 6 kgs which is not a commercial quantity. He would further submit that the petitioner is in custody from 24.04.2022 and thereby, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent has filed a counter and submitted that on receipt of a secret information, a search was conducted and from the petitioner and two others, 6 kgs of Ganja was recovered. As per the statement recorded from them, they have purchased it from the main accused /Shanthi, who have bought the Ganja from Andhra Pradesh for retail selling in Tiruppur. He would further



CrI.O.P.No.27118 of 2022

submit that there are 13 previous cases pending against him. Hence, he opposed to grant bail to the petitioner.

5.Heard the learned counsel and perused the materials available on record.

6.Taking into consideration the facts and submissions of the learned counsel and the quantity recovered from the petitioner and also considering the period of incarceration undergone by the petitioner and taking note of the Section 37 of NDPS Act, 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 Judge, Special Court under E.C. Act, Coimbatore** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the



CrI.O.P.No.27118 of 2022

Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall respond to Police daily at 10.30 a.m., and 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.

14.11.2022

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CrI.O.P.No.27118 of 2022

To
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- 1.The Judge,
Special Court under E.C.Act, Coimbatore.
- 2.The Inspector of Police,
Avinashi Police Station,
Tiruppur District.
- 3.The Central Prison,
Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras.



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CrI.O.P.No.27118 of 2022

A.D.JAGADISH CHANDIRA.,J.

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CrI.O.P. No.27118 of 2022

14.11.2022