



Crl.O.P.No.27084 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2022

CORAM

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

Crl.O.P.No.27084 of 2022

Karikalan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
C-4, Rathinapuri Police Station.
Coimbatore City.

(Crime No.478/2022).

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.478
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.H.Rajasekar

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 17.09.2022 for the offences punishable under Sections 276, 336 of IPC r/w Sections 8(c) & 22(b) of NDPS Act, in Crime No.478 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 17.09.2022 at about 16.30hours, on receipt of a secret information and the Sub-Inspector of Police along with the Police team, entering the same in the general diary, went to the scene of occurrence, where they found that the accused were found in possession of 1352 nos. of Pyeevon Spas Plus (Tramodol) Tablets and 160 nos. of Spas maxx (Tramodol), totally weighing about 75.6 grams. The respondent have seized the contraband under the cover of seizure mahazar and arrested the accused persons and registered a case in Crime No.478 of 2022 for the offence under Sections 276, 336 of IPC r/w Sections 8(c) & 22(b) of NDPS Act. Hence the case.



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3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is running a medical shop and he has been selling drugs only on proper prescription. He also stated that even as per the prosecution, the quantity of contraband recovered from the petitioner is only an intermediate quantity. He also stated that the petitioner is in custody from 17.09.2022 and hence, he prayed for grant of bail to the petitioner.

4. The respondent Police has filed a detailed Counter.

5. The Government Advocate (Crl.Side) appearing for the respondent police submitted that the respondent Police have found that the petitioner (A4) along with the other accused were in illegal possession of 1352 nos. of Pyeevon Spas Plus (Tramadol) Tablets and 160 nos. of Spas max (Tramadol), totally weighing about 75.6 grams, which is an intermediate quantity. He further submitted that as far as the petitioner is concerned, 1160 nos. of Pyeevon Spas Plus (Tramadol) Tablets and 160 nos. of Spas maxx (Tramadol), totally weighing about 66 grams were recovered from him. He



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further submitted that there is no previous case as against the petitioner, however, he opposed to grant bail to the petitioner.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) 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 and taking note of the fact that the alleged contraband recovered was only an intermediate quantity, which will not attract the Section 37 of NDPS Act and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

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**, each for a like sum to the satisfaction of the **learned Additional District Judge/Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore**, and on further



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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 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.

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To

1. The Additional District Judge/Presiding Officer,
Special Court for Essential Commodities Act Cases,
Coimbatore.
2. The Inspector of Police,
C-4, Rathinapuri Police Station,
Coimbatore City.
3. The Central Prison.
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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