

Crl.O.P.No.29698 of 2022

T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest for the alleged offence under Sections 42 of the Prisons Act, 1894 r/w Section 8(c) r/w Section 22(a) of the Narcotic Drugs and Psychotropic Substances Act, 1985 in Cr.No.842 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 10.11.2022, when the petitioners came to hand over certain materials to Accused No.1 (Undertrial Prisoner No.3453), the prison officials inspecting the said package allegedly found a small plastic packet containing some white powder in the pocket of a jean pant. When the same was sent for testing to Narcotics Control Bureau, Chennai, it was found to be Ketamine (2 grams). Hence, the case.

3.The learned counsel appearing for the petitioner submits that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.



4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that when the petitioners came to hand over certain materials to Accused No.1 (Undertrial Prisoner No.3453), the prison officials inspecting the said package allegedly found a small plastic packet containing some white powder in the pocket of a jean pant. When the same was sent for testing to Narcotics Control Bureau, Chennai, it was found to be Ketamine (2 grams), a psychotropic substance prohibited under the NDPS Act. He would further submit that there is no previous case pending against the petitioners. However, he vehemently oppose for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and that there is no previous case pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **District Munsif Cum Judicial Magistrate, Madhavaram** on condition that the



petitioners shall execute a separate bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand Only)** with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police every Wednesday at 10.30 a.m. for a period of three months and thereafter, appear before the trial Court on all hearing dates.

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners shall not abscond either during investigation or trial;



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(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on anticipatory 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]***; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

08.12.2022

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