



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18/03/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.3459 of 2022

1. Lakshmi Narayanan
2. Natheem Ali

... Petitioners/Accused 1 & 4

Vs

The State rep.by
The Inspector of Police,
Ganesh Nagar Police Station,
Pudukottai District.
(Crime No. 855 of 2021).

... Respondent/Complainant

For Petitioner : M/s.LENIN KUMAR.T.,
Advocate.

For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

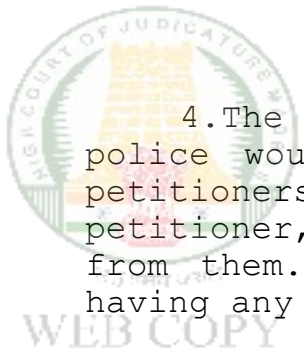
PRAYER :- For Bail in Crime No.855 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 and A4, who were arrested and remanded to judicial custody on 09.12.2021 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) and 25 of NDPS Act, 1985 @ Sections 8(c) r/w 20(b)(ii)(C) and 25 of NDPS Act, 1985 in Crime No.855 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 08.12.2021, when the respondent police was on surveillance, they found that the petitioners were in possession of 1.200 kgs of Ganja illegally. The respondent police seized the said contraband and arrested the petitioners. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they are in no way connected with the alleged offence. He would further submit that the respondent police recovered 1.200kgs of Ganja only from the petitioners, which is not coming under commercial quantity. He would further submit that based on the confession statement of the first petitioner, A5 and A6 were implicated in this case and that subsequently, the respondent police arrested A5 and A6 and recovered 35 kgs of Ganja from them.



4.The learned Additional Public Prosecutor for the respondent police would submit that 1.200kgs of Ganja was seized from the petitioners and based on the confession statement of the first petitioner, A5 and A6 were arrested and recovered 35 kgs of Ganja from them. He would further submit that the petitioners are not having any previous case.

5.Considering the above facts and circumstances and also the facts that only 1.200 kgs of Ganja was recovered from the petitioners, that the petitioners are in judicial custody from 09.12.2021 and that the petitioners are not having any previous case for similar or serious offence, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Additional District and Sessions Judge/Presiding Officer, Special Court for E.C and NDPS Act Cases, Pudukottai and on further conditions that;

i)the sureties shall affix their photographs and left thumb impression in the surety bond and the concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

ii)the petitioners shall report before the respondent Police daily at 10.30 am, until further orders,

iii)the petitioners shall not tamper with evidence or witness.

iv)the petitioners shall not abscond during trial.

v)On breach of any of the aforesaid conditions, the learned Magistrate/Special 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/ Special Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

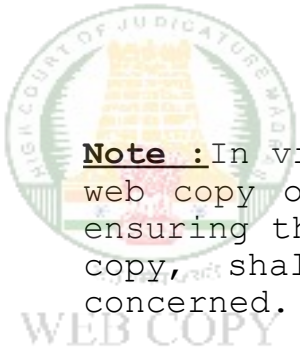
sd/-

18/03/2022

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

TO

- 1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE/PRESIDING OFFICER,
SPECIAL COURT FOR E.C AND NDPS ACT CASES,
PUDUKOTTAI.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 3 THE INSPECTOR OF POLICE
GANESH NAGAR POLICE STATION,
PUDUKOTTAI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.3459 of 2022

Date :18/03/2022

SA/PN/SAR.1/18.03.2022/3P/5C