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Crl.O.P.No.2141 of 2023

T.V.THAMILSELVI, J.

The petitioners, who apprehends arrest for the alleged offence under Sections 8(c), 20(b) (ii) (B) of the NDPS Act in Crime No.486 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners were in possession of 1.400 kilograms of Ganja. Hence the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that there are 8 previous cases pending against the second petitioner herein. He further submits that with regard to first petitioner there is no previous case pending against him. However, he vehemently opposed to grant anticipatory bail to the petitioners.



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5. Considering the facts and circumstances of the case and the fact that there are 8 previous cases pending against the second petitioner, **this petition is dismissed with regard to the second petitioner** and there are no previous case pending against the first petitioner, this Court is inclined to grant anticipatory bail to the first petitioner.

6. Accordingly, the first petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **Special Court for Trial of Narcotic Drugs and Psychotropic Substances Act Cases, Villupuram** on condition that the first petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten 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 failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) the first petitioner 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 first petitioner shall report before the respondent police as and when required for interrogation.

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

(d) the first petitioner shall not abscond 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 first petitioner in accordance with law as if the conditions have been imposed and the first petitioner 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.

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