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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2023

CORAM

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

Crl.O.P.No.6689 of 2023

Surya ... Petitioner

Vs.

The State represented by,
The Inspector of Police,
NIBCID Police Station,
Salem, Salem District.
(Crime No.9 of 2023). ... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., pleased to enlarge the petitioner/accused on bail, in connection with the Crime No.9 of 2023, on the file of respondent Police.

For Petitioner : Mr.B.Vasudevan

For Respondent : Mr.C.E.Pratap
Government Advocte (crl.side)

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O R D E R

The petitioner, who was arrested and remanded to judicial custody on 24.02.2023 for the offences punishable under Section 8(c) r/w 20(b)(ii)(B), 25 of NDPS Act, 1985 in Crime No.9 of 2023, on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that, while the defacto complainant Mr.Saravanan, Special Sub Inspector of NIB CID, Salem, based on secret information went to Sengodampalayam near Ariyanur bus stop, Salem to Coimbatore Main road, at that time, they found the petitioner was in illegal possession of 2.200 kgs of ganja and the entire contraband were seized by the respondent police. Hence, the complaint.

3. The learned counsel 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 contraband involved in this case is in-between quantity. He further submit that the petitioner is in judicial custody from 24.02.2023. Hence, he seeks for grant of bail to the petitioner.

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4.The learned Government Advocate (crl.side) for the respondent would submit that the petitioner was found in illegal possession of 2.200 kgs of ganja. He would submit that there is no previous case pending against the petitioner. However, he opposed for grant of bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice to his defense and contention, is ready and willing to deposit an amount of Rs.10,000/- to any welfare scheme run by the Government. He further stated that the petitioner is in judicial custody from 24.02.2023 and hence, he prays for grant of 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. On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of **"The Dean/Medical Officer, Government Mohan Kumaramangalam Medical College Hospital, Salem",** without prejudice to his rights and contentions

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before the trial Court.

8. Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

9. Taking into consideration the facts and circumstances of the case, the submissions made by either side of the parties and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.10,000/- to the credit of the "Government Mohan Kumaramangalam Medical College Hospital, Salem", this Court is inclined to grant bail to the petitioner with certain conditions.

10. Accordingly, the petitioner is ordered to be released on bail on condition to make a non-refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) **by way of Demand Draft/RTGS/NEFT to the credit of "The Dean/Medical Officer, Government Mohan Kumaramangalam Medical College Hospital, Salem"**, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof,

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the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned Special Judge for EC/NDPS Act, Cases, Salem (Additional District Judge & Presiding Officer, Special Court under EC and NDPS Act Cases, (FAC), Salem),** and on further 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

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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.

24.03.2023

drl

To

1. The Special Judge for EC/NDPS Act
   Cases, Salem (Additional District Judge &
   Presiding Officer, Special Court under
   EC and NDPS Act Cases, (FAC), Salem).

2. The Inspector of Police,
   NIBCID Police Station,
   Salem, Salem District.

3. The Sub Jail,
   Salem.

4. The Public Prosecutor,
   High Court of Madras.

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A.D.JAGADISH CHANDIRA.,J.

drl

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