



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2023

CORAM:

THE HON'BLE **Dr. JUSTICE G.JAYACHANDRAN**

Crl.O.P.No.7059 of 2023

Mohammed Danish @ Mo.Danish

.. Petitioner

Vs.

The State rep. by
The Inspector of Police,
D-1, Ramanathapuram Police Station,
Coimbatore.
(Crime No.33 of 2023)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail, in Crime No.33 of 2023 on the file of the Inspector of Police, D1 Ramanathapuram Police Station, Coimbatore.

For Petitioner : Mr.R.Karthik

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



ORDER

The petitioner, who was arrested for the alleged offences under Sections 8(c) r/w.20(b)(ii)(B) of NDPS Act, in Crime No.33 of 2023, on the file of the respondent police, seeks bail.

2. When the information received by the respondent police on 04.02.2023, they intercepted the petitioner and found that the petitioner along with three other accused was in possession of 13.636 kgs of Ganja. As far as this petitioner is concerned, he was found in possession of 2.760 kgs of Ganja illegally. On interrogation of this accused, he had revealed that they have transported Ganja from Rajasthan to be sold to the public at Coimbatore.

3. The learned counsel for the petitioner states that the alleged contraband seized falls below the commercial quantity and other two accused had already been granted bail by this Court. Hence, he prayed for grant of bail to the petitioner.



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4. However, the learned Government Advocate (Crl.Side) appearing for the respondent states that the petitioner hails from Rajasthan, he has no root in Tamilnadu and if the petitioner is released on bail, there is every possibility of absconding. Hence he opposed to grant bail to the petitioner.

5. In response to the above submission, the learned counsel for the petitioner states that the petitioner though hails from Rajasthan, he is ready and willing to furnish blood sureties.

6. In view of the above undertaking and considering the quantum of contraband seized from the accused, this Court is of the view that the petitioner may be granted bail. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of **Rs.1,00,000/- (Rupees One Lakh only)** with two sureties, out of which one surety must be blood relative, each for a like sum, to the satisfaction of the learned **Judicial Magistrate No.IV, Coimbatore;**



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(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner is directed to report before the respondent police twice on everyday at 10.30 a.m., and 5.30 p.m., until further orders;

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

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

(f) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

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To

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1.The Judicial Magistrate Court No.IV, Coimbatore.

2.The Inspector of Police,
Ramanathapuram Police Station, Coimbatore

3.The Superintendent,
Central Prison
Coimbatore.

4.The Public Prosecutor,
High Court, Madras.

Dr.G.JAYACHANDRAN, J.

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