



Crl.O.P.No.8331 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2023

CORAM

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

Crl.O.P.No.8331 of 2023

M.Sarath

... Petitioner

Vs.

State represented by  
The Station House Officer (SHO),  
Orleanpet Police Station,  
Puducherry.

Crime No.82 of 2023

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.,

pleased to release him on bail in the above Crime No.82 of 2023 pending on  
the file of the respondent police.

For Petitioner : Mr.Prakash Adiapadam

For Respondent : Mr.K.S.Mohandas  
Public Prosecutor (Puducherry)  
Assisted by, Mr.A.Alexander



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## **ORDER**

The petitioner, who was arrested and remanded to judicial custody on 02.04.2023 for the offences punishable under Sections 20(B)(ii)(A) r/w 8(c) of NDPS Act and Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015 in Crime No.82 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on receipt of the secret information, the respondent and his team went to the scene of occurrence, wherein, they found that the accused was in illegal possession of 144 grams of Ganja. Hence the case.

3. 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 even as per the prosecution, the contraband alleged to have been recovered from the petitioner is a small quantity. He further submitted that the petitioner was arrested on 02.04.2023, hence, he prayed for grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner was found to be in possession of 144 grams of Ganja, which is a small quantity. He would further submit that there is no previous case pending against the petitioner. However, he opposed for granting bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner would submit that this Court may taken into consideration the age of the petitioner and he would further submit that either the mother or father of the petitioner is ready to stand as surety to the petitioner. 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. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and taking note of the quantity recovered from the petitioner and also considering



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the fact that the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner.

8. Accordingly, 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** (out of which one surety should be either father or mother of the petitioner), for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Puducherry** 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, everyday at 6.30 p.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



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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]*;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

**17.04.2023**

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To

1. The Judicial Magistrate No.II, Puducherry.
2. The Station House Officer (SHO),  
Orleanpet Police Station,  
Puducherry.
3. The Central Prison, Kalapet, Puducherry.
4. The Public Prosecutor (Puducherry),  
High Court of Madras.



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**A.D.JAGADISH CHANDIRA.,J.**

*vk*

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