



Crl.O.P.No.8675 of 2023

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

The petitioner, who apprehends arrest for the alleged offences under Sections 8(c) r/w 20(b)(ii)(B), 25 and 29(1) of NDPS Act and 25(1B)(b) of Arms Act, in Crime No.730 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on receiving a secret information, the respondent Police intercepted A1 to A5, who were travelling in Tata Ace and Honda Dio bike and on search, the respondent Police was recovered 8 kgs of Ganja from them and also a long iron sword from A3. Hence the case.

3.The learned counsel for the petitioner would submit that the petitioner, who is arrayed as A8, is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner, other than being the owner of the Honda Dio Bike, is not at all connected with the other offence. He would further submit that A5, who is the friend



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of the petitioner, had borrowed the vehicle for his domestic work and without knowledge of the petitioner, he used it in the offence. He would further submit that the petitioner, aged 21 years, has no criminal background and he has no previous case either under IPC or under NDPS Act. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent Police would submit that A1 to A5 were intercepted, while they were travelling in Tata Ace and Honda Dio Bike and 8 kgs of Ganja was recovered from them. He would submit that there is no previous case pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. In reply, the learned counsel for the petitioner would submit that without prejudice, the petitioner is prepared to deposit an amount of Rs.15,000/- as non-refundable deposit to any welfare scheme of the Government. Hence, he prayed for grant of anticipatory bail to the petitioner.



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6. Heard the learned counsel for the petitioner as well as the learned Government Advocate (crl.side) and perused the entire materials available on record.

7. In order to curb the illegal activities of transporting illicit arrack, this Court is of the opinion that the petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) as non refundable deposit to "The Dean/Medical Officer, Government Medical College Hospital, Tiruppur District", without prejudice to his rights and contentions before the trial Court.

8. Merely, because the petitioner deposits 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 and the submissions made by the learned counsel that the petitioner is prepared to deposit Rs.15,000/- to any welfare scheme of the Government,



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this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

10. Accordingly, the petitioner is directed to **deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) by way of Demand Draft/RTGS/NEFT to the "Dean/Medical Officer, Government Medical College Hospital, Tiruppur District"**, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Special Judge for Essential Commodities Act cases, Coimbatore, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, (out of which, one should be either mother or father of the petitioner) 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 petitioner and 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 tamper with evidence or witness either during investigation or trial;

[d] the 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 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]**;



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

02.06.2023

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