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Crl.O.P.No.9359 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2023

CORAM

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

Crl.O.P.No.9359 of 2023

Dambur Pandey

... Petitioner

Vs.

State Rep. By
The Inspector of Police,
Railway Police Station,
Salem, Chennai Railways.
(Crime No.58 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in Crime
No.58 of 2023 on the file of the respondent police.

For Petitioner : Mr.T.Balaji

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



ORDER

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The petitioner, who was arrested and remanded to judicial custody on 26.03.2023, for the offences punishable under Sections 8(c) r/w 20(b) (ii) (B), of NDPS Act, in Crime No.58 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 26.03.2023, the petitioner was found in possession of 5 kgs. of Ganja. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is the native of Odisha and he has been falsely implicated in this case. Even as per the prosecution version, the quantity of contraband alleged to have been recovered from the petitioner is only 5 kgs. which is an intermediate quantity. He further submitted that the petitioner has been in judicial custody from 26.03.2023 and he is ready to abide by any stringent conditions and also ready to furnish blood sureties. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police vehemently opposed to grant bail to the petitioner



stating that the petitioner was found in possession of 5 kgs of Ganja and that he is native of Odisha.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent police and perused the materials available on record including the FIR.

6. Considering the facts and circumstances of the case and the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant of bail to the petitioner with certain conditions.

7. 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 shall be a blood relative of the petitioner, each** for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, 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 everyday at 10.30 a.m. until further orders;

[c] at the time of furnishing sureties, the blood related surety shall convince the learned Magistrate with regard to his/her permanent residence;

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

27.04.2023

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To

1. The Judicial Magistrate No.II, Salem.
2. The Inspector of Police,
Railway Police Station,
Salem, Chennai Railways.
3. The Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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