



CrI.OP.No.10307 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2023

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No.10307 of 2023

Annamalai

... Petitioner

Vs.

State rep. by,
The Inspector of Police,
Kariyalur Police Station,
Kallakurichi District.
Crime No.65 of 2023

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.65 of 2023 pending investigation on the file of the Respondent police.

For Petitioner : Mr.A.Gowtham

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.04.2023 for the offence punishable under Sections 8(b), 8(c), 20(a)(i), 20 (b)(ii) (A) of NDPS Act, 1985, in Crime No.65 of 2023 on the file of the respondent police, seeks bail

2. The case of the prosecution is that the petitioner was found in illegal possession of 60 grams of ganja and ganja plants weighing about 20 Kgs. Hence, the case.

3. The learned counsel for the petitioner would submit that petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner was found in illegal possession of 60 grams of ganja and ganja plants weighing about 20 Kgs. Hence, he vehemently opposed to



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grant bail to the petitioner.

5. It is seen that the petitioner was found in illegal possession of 60 grams of ganja. That apart, he had cultivated ganja plants. According to the case of the prosecution, it weighed about 20 Kgs, however, it cannot be considered as 20 Kgs. Therefore, the contraband which was found in possession of the petitioner is only a smaller quantity. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner.

6. 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, each for a like sum to the satisfaction of the Special Court for trial of Narcotic Drugs and Psychotropic Substances Act cases, Villupuram 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



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their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before 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 in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

05.05.2023

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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Special Court for trial of Narcotic Drugs
and Psychotropic Substances Act cases,
Villupuram.
- 2.The Inspector of Police,
Kariyalur Police Station,
Kallakurichi District.
- 3.Central Prison, Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai

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