



Crl.O.P.No.11276 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2023

CORAM

THE HONOURABLE MR. JUSTICE A.A. NAKKIRAN

Crl.O.P.No.11276 of 2023

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... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Annur Police Station,
Coimbatore District.

(Crime No.195 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail, in Crime No.195 of 2023, on the file
of the respondent police.

For Petitioner : Mr.G.Jaisivaramaraj

For Respondent : Mr.N.Muthuvel
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 31.03.2023, in connection with Crime No.195 of 2023 registered for the offences punishable under Sections 8(c) r/w 22(b) & 25 of Narcotic Drugs and Psychotropic Substances Act, 1985, seeks bail.

2.The case of the prosecution is that on 30.03.2023, at 4.00 p.m, based on the secret information, when the respondent police was conducting inspection near Allikulam, they found the petitioner along with other accused were found in illegal possession of 4 grams of Meth @ Methamphetamine Crystal and seized the contraband and also the bike of the petitioner. 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 there is no recovery from this petitioner and the petitioner is a friend of A1 and on insistence of A1, the petitioner came to the aforesaid place only for the purpose of procuring job for his livelihood. He further submitted that the petitioner is in judicial custody from 31.03.2023 and



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hence, he prayed for grant of bail to the petitioner.

4. Learned learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioner along with other accused were found to be in possession of 4 grams of Meth @ Methamphetamine Crystal. which is a non-commercial quantity i.e intermediate quantity. Totally, there are two accused in this case and the petitioner is A2. However, he strongly opposed for grant of bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in incarceration for the past 49 days and the contraband involved in the present case is non-commercial quantity, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Additional District Judge/Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore**, and on further conditions that:



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[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 on every Saturday 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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To

1. The Additional District Judge/Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore,
2. The Inspector of Police,
Annur Police Station,
Coimbatore District.
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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A.A.NAKKIRAN, J.

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