



CrI.O.P.No.11577 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

CrI.O.P.No.11577 of 2023

Kozhi @ Ranjith

... Petitioner

Vs.

The State represented by,
The Station House Officer
Neravy Police Station,
Karaikal, Puducherry

(Crime No.12 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.12 of 2023, on the file
of the respondent police.

For Petitioner : Mr.M.Anaimuthu Raja

For Respondent : Mr.M.P.Ramachandramurthy
Additional Public Prosecutor
Puducherry.



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.03.2023, in connection with Crime No.12 of 2023 registered for the offences punishable under Section 20(b) (ii) (A) of NDPS Act read with Section 8 (c) of Narcotic Drugs and Psychotropic Substances Act 1985 and Section 77 of Juvenile Justice Act 2015, seeks bail.

2.The case of the prosecution is that on 11.02.2023 at about 5.30 p.m, based on the secret information, when the respondent police was conducting inspection at the place of scene of occurrence, they found the petitioner along with 4 other accused were found in illegal possession of 1.370 kgs of Ganja, worth about Rs.1,10,000/-. Hence the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person and based on the confession statement of the co-accused, the petitioner was arrested. He further submitted that the petitioner is in judicial custody from 11.03.2023 and hence, he prayed for grant of bail to the petitioner.



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4. Learned learned Government Advocate (Criminal Side) appearing for the respondent submitted that the petitioner/A4 along with 4 other accused were found in illegal possession of 1.370 kgs of ganja, which is a non-commercial quantity i.e intermediate quantity. There are 10 previous cases pending against the petitioner. He further submitted that out of the entire contraband, 100 grams of ganja was recovered from the petitioner. Hence, 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 69 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 Judicial Magistrate, No.I, Karaikal**, 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 Judicial Magistrate No.I
Karaikal.
2. The Station House Officer
Neravy Police Station,
Karaikal, Puducherry
3. The Central Prison,
Puducherry.
4. The Public Prosecutor,
High Court of Madras.



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A.A.NAKKIRAN, J.

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