



Crl.O.P.No.15188 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.15188 of 2023

Raja

...Petitioner

Vs.

The State Represented by its;
Sub Inspector of Police
Kondalampatti P.S., Salem
(Crime No.281 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to grant bail to the petitioner in Crime No.281 of 2023 on the file of the respondent police.

For Petitioner : M/s.A.Bakkiya Lakshmi

For Respondent : Mr.Leonard Aul Joseph Selvam
Government Advocate (Crl.side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.05.2023 for the offences punishable under Sections 8(c), 20(b)(ii)(B) of Narcotic Drugs & Psychotropic Substance Act in Crime No.281 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner has been falsely implicated in this case and there is no recovery from the petitioner. Petitioner is in judicial custody from 23.05.2023. Thus, he prays for grant of bail.

3. In reply, the learned Government Advocate (Crl. Side) opposed this petition, on the ground that, A1 to A4 were found in possession of 2.100 kgs. of Ganja at about 19.10 hours on 22.05.2023, at Uthama Sozhapuram, Opposite to Karabunathar Temple, under a bridge. After following necessary procedures, the Ganja was recovered. The petitioner has no similar case pending against him.



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4. Considering the fact that, petitioner is a first offender and he has been in judicial custody from 23.05.2023 and that, there is no previous bad antecedents against the petitioner, this Court is inclined to grant bail to the petitioner.

5. 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 **Special Court for EC/NDPS Act Cases, 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 daily at 10.30 a.m., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.



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[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.

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To

1.The Special Court for EC/NDPS Act Cases, Salem

2.The Central Prison,
Salem

3.Sub Inspector of Police
Kondalampatti Police Station, Salem

4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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