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Crl.O.P.No.16625 of 2023

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RMT.TEEKAA RAMAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act, in Crime No.46 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 1.100 Kgs of Ganja. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with the alleged offence. He would further submit that the respondent has not followed the procedure as contemplated under Section 42 of NDPS Act and no independent witness was available, while seizing the contraband. He would also submit that there was no recovery from the petitioner and based on the confession statement of the A1 this petitioner has been included in this case. Hence, he prays for grant of anticipatory bail to the



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petitioner.

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4. Per contra, the learned Government Advocate (Crl. Side) would submit that the petitioner along with other accused were found in possession of 1.100 Kgs of Ganja and on seeing the police persons they ran away from the scene of occurrence. He would further submit that recovery has been made from A1 and A2 and co-accused in this case was granted bail. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances and also taking note of the fact that co-accused in this case has been granted bail, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready,



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before the learned **Additional District and Sessions Judge, Presiding Officer and Special Court for E.C Act Cases, Thanjavur**, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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 tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation



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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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