



Crl.OP.No.17437 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2023

CORAM

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

Crl.OP.No.17437 of 2023

Raju

...Petitioner

Vs.

The State Rep by its
The Inspector of Police,
NCB – CID,
Salem.
(Crime No.15 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.15 of 2023 pending investigation on the file of the respondent Police.

For Petitioner : Mr.L.Ramanathan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.04.2023 for the offences punishable under Sections 8 (c) r/w 20 (b) (ii) (B) of NDPS Act, in Crime No.15 of 2023 on the file of the



CrI.OP.No.17437 of 2023

respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that petitioner is falsely implicated as an accused in Crime No.15 of 2023 for the offences under Sections 8 (c) r/w 20 (b) (ii) (B) of NDPS Act. He is in judicial custody from 17.04.2023. Thus, he seeks bail.

3.In response, the learned Additional Public Prosecutor submitted that on 17.04.2023, at about 09.00 a.m, the respondent Police found the petitioner on suspicious circumstances, near National Daba, near Salem to Tiruchengode Main road with white colour plastic bag. After following necessary procedure, search was conducted and petitioner was found in illegal possession of 2.400 kgs of Ganja. Ganja was seized. Petitioner has no similar previous case against him.

4.Considered the rival submissions and perused the records.

5.Considering the fact that Ganja was seized from the petitioner, that he is in judicial custody from 17.04.2023, that petitioner has no



Crl.OP.No.17437 of 2023

similar case pending against him, and that material part of investigation in this case might have been completed by this time, this Court is inclined to grant bail to the petitioner with conditions.

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 **learned Presiding Officer, Special Court under E.C & NDPS Act Cases (FAC), 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 at 10.00.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



WEB COPY



Crl.OP.No.17437 of 2023

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.

04.08.2023

ep



WEB COPY



CrI.OP.No.17437 of 2023

To

- 1.The Presiding Officer, Special Court
under E.C. & NDPS Act Cases (FAC), Salem.
- 2.The Inspector of Police,
NCB – CID,
Salem.
- 3.Central Prison, Salem.
- 4.The Public Prosecutor,
High Court of Madras



WEB COPY



Crl.OP.No.17437 of 2023

G.CHANDRASEKHARAN. J.

ep

Crl.OP.No.17437 of 2023



WEB COPY



CrI.OP.No.17437 of 2023

04.08.2023