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CrI.OP.No.19257 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.OP.No.19257 of 2023

1.Suresh @ Suman

2.Subash

..Petitioners

Vs.

The State Rep. By
Station House Officer,
Sedarapet Police Station,
Puducherry District.
Crime No.33 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.33 of 2023 on the
file of the respondent, pending investigation.

For Petitioners : Mr.M.P.Yuvaraj

For Respondent : Mr.K.S.MohanDoss
Public Prosecutor, Puducherry
Assisted by Mr.Thamizhmani



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 07.07.2023 for the offences punishable under Sections 20 (b) (ii) (B) of NDPS Act, 1985 r/w 8 (c) of NDPS Act, 1985 and Section 77 of J.J. Act 2015 r/w 34 I.P.C in Crime No.33 of 2023, on the file of the respondent police seek bail.

2.The learned counsel for the petitioners submitted that, petitioners are falsely implicated in this case for the reason that they have previous criminal cases pending against them. Petitioners are in Judicial Custody from 07.07.2023. Thus, he seeks bail.

3.In response, learned Public Prosecutor, Puducherry, submitted that, on 06.07.2023, at about 11.15 hours, petitioner were found selling Ganja near JBA Company, Vazhuthavur Road, Thuthipet, Puducherry. After following necessary procedure, the Ganja weighing 3.540 kg was seized from them. First petitioner is history sheeter and he has several criminal cases pending against him registered under I.P.C and Arms Act. Second petitioner has five previous cases pending against him registered



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under I.P.C and Arms Act. However, when this Court questioned whether petitioners have previous cases registered under NDPS, the learned Public Prosecutor, Puducherry submitted that petitioners have no previous cases registered under NDPS Act.

4.Considered the rival submissions and perused the records.

5.Considering the fact that petitioners are in judicial custody from 07.07.2023 and that Ganja had been recovered, and that this is the first case registered under NDPS Act, and that material part of investigation might have been completed by this time, this Court is inclined to grant bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- each (Rupees Ten thousand only) each with two sureties, each for a like sum to the satisfaction of the **learned III Additional District Judge, Puducherry**, and on further conditions that :-

[a] the sureties shall affix their photographs and



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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 petitioners shall report before the respondent police daily morning at 10.00.a.m., and evening at 5.00 p.m until further orders.

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.III Additional District Judge, Puducherry

2.Station House Officer,
Sedarapet Police Station,
Puducherry District.

3.Central Prison,
Puducherry.

4.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN. J.

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