



WEB COPY



Crl.O.P.No.20068 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2023

CORAM

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

Crl.O.P.No.20068 of 2023

Laxman K Patel

...Petitioner

Vs.

State Rep by
The Inspector of Police,
PEW Tiruppur,
Tiruppur District
Crime No.670 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.670 of 2023 pending on the file of the respondent police.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mr.S.Rajakumar,
Additional Public Prosecutor

ORDER



Crl.O.P.No.20068 of 2023

The petitioner, who was arrested and remanded to judicial custody on 27.06.2023 for the offence punishable under Section 8 (c) r/w 20 (b) (ii) (B) of NDPS Act in Cr.No.670 of 2023 on the file of the respondent police, seeks bail.

2. It is the submission of learned counsel for the petitioner that petitioner has been falsely implicated as accused in Crime No.670 of 2023 for the offences under Section 8 (c) r/w 20 (b) (ii) (B) of NDPS Act. He is in judicial custody from 27.06.2023. Thus, he prays for grant of bail to the petitioner.

3. In response, the learned Additional Public Prosecutor submitted that, on 27.06.2023, on secret information received, the respondent Police mounted surveillance near Anaiputhur Junction and found the accused with a bag under suspicious circumstances. On seeing the Police, he tried to escape. However, Police apprehended him. After following necessary procedure, search was conducted and they found 27 black colour plastic bags printed as Royal Gold Vati. On opening the cover,



Crl.O.P.No.20068 of 2023

they found 40 Ganja chocolates in one bag. Totally 1080 Ganja chocolates were seized and the case was registered. Investigation in this case is pending. This is the second bail petition. Thus, he prays for dismissal of this petition.

4. Considered the submissions and perused the records.

4.1 The earlier bail petition filed by the petitioner in Crl.O.P.No.17724 of 2023 was dismissed on 07.08.2023, on the ground that, the Chemical Analysis Report has not been received.

4.2. When the matter is taken up today, it is reported that the Chemical Analysis Report is received and a copy of the same is also produced before this Court. As per the said report, the percentage of ganja found in the chocolates is about 30.2 grams, which relates to analysis of 5 chocolates. Hence, total percentage would be calculated as $(1080/5) \times 30.2$ grams = 6523.2 grams, which is an intermediate quantity of ganja mixed in the chocolates.

5. Considering the nature of the allegations made against the



Crl.O.P.No.20068 of 2023

petitioner, that petitioner is in judicial custody from 27.06.2023, that substantial part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner. Accordingly, petitioner is ordered to be released on bail on their 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, Avinashi** 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 morning 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 appropriate action against the petitioner in accordance Court is entitled to take with law as if the conditions have been imposed and the



Crl.O.P.No.20068 of 2023

petitioner released A 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.

31.08.2023

nsa/gd

To

- 1.The Judicial Magistrate,
Avinashi.
- 2.The Inspector of Police,
PEW Tiruppur,
Tiruppur District
Crime No.670 of 2023
- 3.The Central Prison,
Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.

nsa/gd



WEB COPY



Crl.O.P.No.20068 of 2023

Crl.O.P.No.20068 of 2023

31.08.2023