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Crl.O.P.No.20945 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.20945 of 2023

Anilkumar

...Petitioner

Vs.

State represented by
The Inspector of Police,
Vaniyampadi PEW Police Station,
Thiruppathur District.
(Crime No.415 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to release the petitioner on bail in Crime No.415 of 2023 on the file of the respondent.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.07.2023 for the offence punishable under Sections 8(c) r/w 20(b)(ii)(A) of NDPS Act in Crime No.415 of 2023 on the file of the respondent police, seeks bail.

2. Learned counsel for the petitioner submitted that, petitioner is an innocent person and he has been falsely implicated as an accused in a case registered for the offences punishable under Sections 8(c) r/w 20(b)(ii)(A) of NDPS Act in Crime No.415 of 2023. Petitioner is in judicial custody from 25.07.2023. In the said circumstances, he seeks bail to the petitioner.

3. In response, learned Additional Public Prosecutor opposes this petition, on the ground that, on 25.07.2023 at about 06.15 a.m, on secret information received the defacto complainant mounted surveillance near Ambur Railway Station, in temporary bus stop and found the accused in suspicious circumstances. After following necessary procedure, a search



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was conducted and petitioner was found in illegal possession of 1 kg of ganja and 67 ganja chocolates, each weighing 5 grams. Ganja and ganja chocolates had been recovered. This is the first case registered against the petitioner under NDPS Act. Thus, he seeks for dismissal of this petition.

4. Considering the fact that ganja and ganja chocolates had been recovered and that this is the first case registered against the petitioner under NDPS Act, the duration of custody and that material 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 Special Judge 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 morning at 10.00 a.m., until



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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 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.

12.09.2023

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To

1.The Special Judge for EC/NDPS Act cases, Salem



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2.The Inspector of Police,
Vaniyampadi PEW Police Station,
Thiruppathur District.

3.The Central Prison, Salem.

4.The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.



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