



WEB COPY



CrI.O.P.No. 29013 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.29013 of 2023

Saleem

... Petitioner

Vs.

The State Rep.by
Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri District.
Crime No.560 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.560 of 2023 on the file
of the respondent.

For Petitioner : Mr.C.Deepak Kumar
For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor.

ORDER

The petitioner who was arrested and remanded to judicial custody
on 24.11.2023, seeks bail in Crime No.560 of 2023, which was registered by
the respondent Police for the offences under Sections 8(c) r/w 20(b)(ii)(B), of
NDPS Act.



CrI.O.P.No. 29013 of 2023

WEB COPY

2. The case of the prosecution is that the petitioner was found to be in possession of 1300 kgs of ganja. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has been in judicial custody from 24.11.2023 and hence, he seeks for granting of bail to the petitioner.

4.The learned Additional Public Prosecutor for the respondent submitted that petitioner was found to be in possession of 1300 kgs of ganja. She further submitted that the investigation was completed and the seized contraband is of intermediate quantity. On 24.11.2023, the respondent police produced the arrested accused along with seized contrabands before the learned Judicial Magistrate Court-I, Krishnagiri and remanded him to judicial custody. Hence, she opposed for granting of bail to the petitioner.

5.Heard both sides and perused the materials available on record.



CrI.O.P.No. 29013 of 2023

WEB COPY

6.Considering the rival submissions made on either side and taking into consideration the period of incarceration undergone by the petitioner and there is no previous cases pending against the petitioner and also considering the quantity of seized contrabands, I am inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 Judicial Magistrate-I, Salem and on further conditions that:

[b] the petitioner shall report before the trial court, daily at 10.00 a.m. until further orders.

[c] the petitioner shall not commit any offences of similar nature.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against



CrI.O.P.No. 29013 of 2023

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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

28.12.2023

Vv/vca

To

1. The Judicial Magistrate-I, Salem.
2. The Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri District.
3. The Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



WEB COPY



Crl.O.P.No. 29013 of 2023

Vv/vca

Crl.O.P.No.29013 of 2023

28.12.2023