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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2024

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.6258 of 2024

Ashok Barik

... Petitioner

Vs.

State Rep by.
The Inspector of Police
NIB CID, Salem
Crime No. 2 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to order enlarge the petitioner on bail in connection with crime No.2
of 2024 on the file of the respondent police herein.

For Petitioner : Mr.T.N.Rangeshkanna
For Respondent : Mr.V.Meganathan
Government Advocate (Crl. side)

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 103.012024 for the alleged offences punishable under Sections **8 (c) r/w 20(b)(ii)(B) of NDPS Act in crime No.2 of 2024** on the file of the respondent, seeks bail.

2. The case of the prosecution is that the accused was found to be illegal possession of 2.500 kgs of Ganja. Hence the case.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and he is an innocent person. Hence, he prays to allow this petition.

4. On the other side, the learned Government Advocate (Crl. side) submits that accused was found to be illegal possession of 2.500 kgs of Ganja.. Further, he submitted that there is no previous case pending against the petitioner in his state Odisha to that he produced the memo. However, he raised objection to grant bail.



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5. Considering the period of incarceration undergone by the petitioner and also there is no bad antecedents against the petitioner and also the contraband recovered from the petitioner is intermediate quantity. Hence, this Court is inclined to grant bail to the petitioner.

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 (one must be a blood surety)**, each for a like sum to the satisfaction of the **learned Judicial Magistrate - V, 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 stay at salem and report before the respondent police daily at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;



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[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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T.V.THAMILSELVI,J.

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To

1. The **Judicial Magistrate - V, Salem.**

2. The Inspector of Police
NIB CID, Salem

3. The Central Prison, Salem.

4. The Public Prosecutor,
High Court of Madras.

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