



WEB COPY



Crl.O.P.No.9179 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2024

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.9179 of 2024

Rajkumar

...Petitioner

Vs.

The State, represented by
The Inspector of Police,
PEW- Ulundurpet Police Station,
Kallakurichi District.
(Crime No.213/2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner/Accused on bail in Crime No.213/2023 on the file of the respondent Police.

For Petitioner : Mr.A.Gowtham

For Respondent : Mr.V.J.Priyadarsana
Government Advocate (crl. side)

ORDER

The petitioner/first accused who was arrested and remanded to judicial custody on 17.12.2023, registered for the offences under



Crl.O.P.No.9179 of 2024

Sections 8(c), 20(b)(ii)(B), 25, 29(1) of Narcotic Drugs and Psuchotropic Substances Act, 1985 in Crime No. 213 of 2023 on the file of the respondent seeks bail.

2. It is stated that A1 and A2 along with other accused were found in possession of 8 kgs of ganja. There is yet another accused A3 who was the mediator for purchase and sales of ganja. Ganja has been recovered from A4 and A5, who were the sellers of the ganja. One of the accused had been granted bail.

3. The earlier application seeking bail was dismissed by this Court on 27.02.2024 in Crl. O.P.No.4237 of 2024. One change in circumstance is progress in investigation. The counter-affidavit had been filed that the petitioner also has one previous case, which is pending trial.

4. Taking all the factors into consideration, the period of incarceration and the quantity of contraband seized is an intermediate quantity and also other accused has been granted bail, bail is granted to



Crl.O.P.No.9179 of 2024

the petitioner subject to the following conditions:

WEB COPY

5. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, for a like sum to the satisfaction of the learned Special Court for trial of Narcotic Drugs and Psychotropic Substances Act cases, Villupuram, 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, everyday 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 Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the



WEB COPY



Crl.O.P.No.9179 of 2024

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.

17.04.2024

Maya

To

1. The Special Court for trial of Narcotic Drugs and Psychotropic Substances Act cases, Villupuram.
2. The Central Prison, Cuddalore.
3. The Inspector of Police, PEW- Ulundurpet Police Station, Kallakurichi District.
4. The Public Prosecutor, High Court of Madras.



WEB COPY



Crl.O.P.No.9179 of 2024

C.V.KARTHIKEYAN,J.

Maya

Crl. O.P. No.9179 of 2024

17.04.2024