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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.9127 of 2024

Harishwaran

... Petitioner

Vs.

State Rep by.
The Inspector of Police
Odiyan Salai Police Station,
Puducherry.
Crime No. 28 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.28 of 2024 on the file of the Odiyan Salai Police Station,Puducherry.

For Petitioner : Mr.Prasanna D
For Respondent : Mr.K.S. Mohandass
Public Prosecutor (Puducherry)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.02.2024 for the alleged offences punishable under Sections **20(b)(ii)(B) of NDPS Act 1985 r/w 8 (c) of NDPS Act 1985 in crime No.28 of 2024** on the file of the respondent, seeks bail.

2. The case of the prosecution is that the accused were found to be illegal possession of 5.740 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 were found to be illegal possession of 5.740 kgs of Ganja. Further, he submitted that there is no previous case pending against the petitioner. However, he raised objection to grant bail.



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5. Considering the period of incarceration undergone by 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 III Additional Sessions Judge, Puducherry**, 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 at 10.30 a.m., for a period of three months. Further, the petitioner shall deposit a sum of **Rs.10,000/-** to the registered Advocate Clerks



Welfare Association, Puducherry, within a period of two weeks from the date of copy of a receipt of this order;

[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 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 **III Additional Sessions Judge, Puducherry.**

2. The Inspector of Police
Odiyan Salai Police Station,
Puducherry.

3. The Central Jail, Puducherry.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.9127 of 2024

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