



Crl.O.P.No.11151 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.05.2024

CORAM :

THE HONOURABLE MR. JUSTICE C.SARAVANAN

Crl.O.P.No.11151 of 2024

1. Gunjankumar Kamti

2. Manishkumar Kamti

.. Petitioners

Vs.

State Represented by,
The Inspector of Police,
Katpadi Police Station,
Vellore District.
(Crime No.120 of 2024)

.. Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Cr.P.C.
pleased to enlarge the petitioners on bail in Crime No.120 of 2024 pending
on the file of the respondent Police.

For Petitioners : Mr.M.R.Thangavel

For Respondent : Mr.R.Vinothraja
Government Advocate
(Criminal Side)



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ORDER

The petitioners were arrested and remanded to judicial custody on 20.03.2024 for the offences punishable under Section 8(c) read with Section 20(b)(ii)(A) of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015 in Crime No.120 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 20.03.2024 based on the secret information received by the respondent police, they found that two persons were involved in possession of 2.6 Kgs of Bhang Goli (Ganja) in front of VIT University, Vellore. Hence, the case was registered against the petitioners.

3. The learned counsel appearing for the petitioners would submit that a false case has been foisted against the petitioners. He would also



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submit that the petitioners were arrested and remanded to judicial custody on 20.03.2024. Hence, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Criminal Side) submitted that the petitioners were involved in possession of 2.6 Kgs of Bhang Goli (Ganja) in front of the college and in graveyard. Hence, he vehemently opposed to grant bail to the petitioners.

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

6. The petitioners have also been under detention from 20.03.2024. They appear to be young boys who have taken the avocation of peddling in Ganja in front of college campuses and in a graveyard. They were found possessing 2.6 Kgs of Bhang Goli (Ganja) and were arrested on 20.03.2024 and thereafter remanded to judicial custody.

7. Considering the above facts and circumstances of the case, the submissions of either sides, the period of incarceration already undergone



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and also considering the fact that the contraband items are non-commercial quantity as per the NDPS Schedule No.55, this Court is inclined to grant bail to the petitioners.

8. The petitioners shall deposit a sum of Rs.25,000/-(Rupees Twenty Five Thousand only), each to the credit of the Crime No.120 of 2024 and on such deposit, the petitioners are ordered to be released on bail on their executing 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, Katpadi 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 petitioners shall **deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), each to the credit of the Crime No.120 of 2024** and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond;

[c] **the petitioners shall report before the**



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respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

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

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

[f] 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].

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

22.05.2024

vsn



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To

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



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