



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CrI.O.P.No.20197 of 2024

Arun

... Petitioner

Versus

State Rep by.
The Inspector of Police
Prohibition of Enforcement Wing
Coimbatore City Police Station
Coimbatore District
(Crime No.377 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.377 of 2024 on the file
of the respondent.

For Petitioner : Mr.Balaji Thirumoorthy

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl. side)

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 13.07.2024 for the alleged offences punishable under Sections 8 (c), 20 (b)(ii)(A) and 22(b) of NDPS Act, 1985 in crime No. 377 of 2024 on the file of the respondent, seeks bail.

2. The case of the prosecution is that the respondent police found the Accused 2 and 3 with illegal possession of 50 grams of Ganja and 5 grams of Methamphetamine. Based on the confession of other accused, the petitioner alleged to have been the seller of the Narcotic drugs has been arrayed as A1. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner is an innocent person and he has nothing to do with commission of the alleged offence and he is in jail since 13.07.2024 as per seizure mahazar contraband seized from the petitioner was 50 grams of Ganja and 5 grams of Methamphetamine which are small and intermediate quantity respectively. Hence, he prays to allow this petition.

4. On the other side, the learned Government Advocate (Crl. side)



submits that 50 grams of Ganja and 5 grams of Methamphetamine have been recovered from the accused persons. Based on the confession of A2 and A3, the petitioner has been arrested and remanded as A1. Further, he submitted that one previous case is pending as against the petitioner. However, he raised objection to grant bail.

5. Considering the rival submissions of the either side and also the quantity involved in this case which is not a commercial quantity and the fact that investigation is completed and charge sheet is also filed and also the period of incarceration undergone by the petitioner and considering once previous case pending against the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

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, each for a like sum to the satisfaction of the court of ***Special Court for Essential Commodities Act Cases, Coimbatore***, and on further conditions that:

[a] the petitioner shall report before the Additional District Judge, Special Court for Essential



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Commodities Act Cases, Coimbatore on all working days at 10.30 a.m. until further orders;

- [b] the petitioner shall not abscond either during investigation or trial;
- [c] the petitioner shall not tamper with evidence or witness either during investigation or trial;
- [d] 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];
- [e] if the accused thereafter absconds, a fresh FIR can be registered under Section 229A of the IPC.

21.08.2024

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To

1.The Presiding Officer
Special Court for Essential Commodities Act Cases
Coimbatore

2. The Inspector of Police
Prohibition of Enforcement Wing
Coimbatore City Police Station
Coimbatore District

3.The Central Prison, Coimbatore.

4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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