



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.No.20212 of 2024

Mohan Santhosh Durai

... Petitioner

Versus

State Rep by.
The Inspector of Police
Pennagaram Police Station
Dharmapuri District
(Crime No.169 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, 2023
pleased to enlarge the petitioner on bail in Crime No.169 of 2024 on the file
of the respondent.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.S.Vinoth Kumar

Government Advocate (Crl. side)

ORDER



WEB COPY

The petitioner, who was arrested and remanded to judicial custody on 27.04.2024 for the alleged offences punishable under Sections 8 (c) and 20 (b)(ii)(B) of NDPS Act, 1985 in crime No. 169 of 2024 on the file of the respondent, seeks bail.

2. The case of the prosecution is that the respondent police found that petitioner along with other accused with illegal possession of 1.200 kilograms of flower, seeds, leaf of Ganja in their vehicle. 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 27.04.2024 as per seizure mahazar contraband seized from the petitioner was 1.200 kgs of flower, seeds, leaf of Ganja which is an intermediate quantity. Hence, he prays to allow this petition.

4. On the other side, the learned Government Advocate (Crl. side) submits that 1.200 kgs of flower, seeds, leaf of Ganga have been recovered from the accused persons. Further, he submitted that there is no previous case pending against the petitioner. However, he raised objection to grant bail.



WEB COPY

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 the petitioner has no previous case for the similar offence and also considering the period of incarceration undergone by 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 **Judicial Magistrate, Pennagaram**, and on further conditions that:

[a] the petitioner shall report before the Additional District Judge, Special Court for under E.C & NDPS Act Cases, Salem on all working days at 10.30 a.m. for a period of thirty days;

[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;



WEB COPY



[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

dhk



WEB COPY

To

1.The Presiding Officer
Additional District Judge,
Special Court under EC & NDPS Act Cases
Salem

2. The Inspector of Police
Pennagaram Police Station
Dharmapuri District

3.The Central Prison, Salem

4.The Public Prosecutor,
High Court of Madras.



WEB COPY



P.DHANABAL, J.

dhk

Crl.O.P.No.20212 of 2024

21.08.2024