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CRL O.P. No.21347 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

**CRL OP.No.21347 of 2024**

Fazil T.A,  
S/o.Anwar

... Petitioner

Vs

**State rep. by:-**

The Inspector of Police,  
PEW-CBE City,  
Coimbatore City,  
Coimbatore District.  
[Cr.No.339 of 2024]

... Respondent

**PRAYER:** - Criminal Original Petition filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail to the petitioner/Accused in Crime No.339 of 2024 on the file of the respondent police.

For Petitioner : Mr.C.S.Saravanan

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



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CRL O.P. No.21347 of 2024

### **ORDER**

The petitioner, who was arrested and remanded to judicial custody on 18.05.2024 for the offences punishable under sections 8(c) r/w.20(b)(ii)(B), 22(c) and 25, 29 of NDPS Act, 1985 in Crime No.339 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 17.05.2024, when the respondent police while patrolling near Kavundampalayam area, they found that some of the persons are selling the narcotics substances. The respondent police was made a search, at that time they found that this petitioner and other accused persons were having illegal possession of 1,100 gram of ganja and 3 gram of methamphetamine. Hence, the complaint.

3. The learned counsel for the petitioner would contend that this petitioner is a college student and he is neither seller nor purchaser of the contraband. In this case, totally there are eight accused, this petitioner was arrayed as 5th accused. This petitioner has been falsely implicated in this



CRL O.P. No.21347 of 2024

case. There is no previous case against this petitioner. This petitioner is an innocent person and he has nothing to do with the commission of alleged offences and he is ready to abide by any condition imposed by this Court. Hence, he seeks bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that when the respondent police while patrolling near Kavundampalayam area, they found that some of the persons are selling the narcotics substances. The respondent police was made a search, at that time they found that this petitioner and other accused persons were having illegal possession of 1,100 gram of ganja and 3 gram of methamphetamine. In this case, totally there are eight accused, this petitioner was arrayed as 5th accused. There is no previous case against this petitioner. In this case, this petitioner was arrested and remanded to judicial custody on 18.05.2024. Hence, he objected to grant bail to the petitioner.

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



CRL O.P. No.21347 of 2024

6. Considering the rival submissions on either side and considering the fact that the quantity of contraband involved in this case is not a commercial quantity, some of the accused were arrested and subsequently released on bail and also considering the period of incarceration undergone by the petitioner, no previous case is pending against the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 No.I, Coimbatore** and on further conditions that:

**[b] the petitioner shall report before the respondent police daily at 10.00 a.m. until further orders;**

[c] the petitioner shall attend in accordance with the conditions of the bond;

[d] the petitioner shall not commit any offence similar to the offence of which he is accused; or suspected, or of the commission of which he is suspected; and



CRL O.P. No.21347 of 2024

WEB COPY

[e] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] the petitioner shall not abscond either during investigation or trial;

[g] On breach of any of the aforesaid conditions, the learned Judicial 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].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

02.09.2024

index: Yes/No

Internet: Yes/No

Speaking/Non Speaking order

gvn

5/6



CRL O.P. No.21347 of 2024

**P.DHANABAL,J**  
gvn

To

- 1.The Judicial Magistrate No.I, Coimbatore
2. The Inspector of Police,  
PEW-CBE City,  
Coimbatore City,  
Coimbatore District.
3. Central Prison, Coimbatore.
4. The Public Prosecutor,  
High Court, Madras.

CRL.OP.No.21347 of 2024

02.09.2024