



WEB COPY



CrI.O.P.No.21814 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

CrI.O.P.No.21814 of 2024

Sham Josh

... Petitioner

Vs.

The State represented by,
Its Inspector of Police,
Odiyan Salai,
Puducherry
(Crime No.28 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, pending investigation, in Crime
No.28 of 2024 on the file of the respondent Police.

For Petitioner : Mr.P. Prince Premkumar

For Respondent : Mr.V. Ramachandra Murthy
Additional Public Prosecutor



WEB COPY



CrI.O.P.No.21814 of 2024

ORDER

The petitioner/A3, who was arrested and remanded to judicial custody on 15.02.2024, 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 police, seeks bail.

2. It is the case of the prosecution that the petitioner along with other accused was in possession of 585 grams kgs of ganja.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in FIR. He is in judicial custody for more than 125 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Additional Public Prosecutor(appearing for the respondent police would contend that the petitioner along with other accused were found to be in illegal possession of 585 grams of ganja.. He would further submit that however the seized contraband is not a commercial quantity. He further submit that the investigation in this case is almost



Crl.O.P.No.21814 of 2024

completed . However, he strongly opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the nature of offence and considering the period of incarceration undergone by the petitioner and also considering the fact that the seized contraband is not a commercial quantity, I am inclined to grant bail to the petitioner, subject to certain conditions.

7. 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 learned Chief Judicial Magistrate, Puducherry and on further conditions that :-

[a] **the petitioner shall report before the Principal Sessions Judge, III Additional Sessions Judge(FAC), Puducherry on all working days at 10.30 a.m., until further orders.**



Crl.O.P.No.21814 of 2024

[b] the petitioner shall not commit any offences of similar nature.

[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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

05.09.2024

smn



WEB COPY



Crl.O.P.No.21814 of 2024

T0

1.The Chief Judicial Magistrate, Puducherry

2.The Inspector of Police,
Odiyan Salai,
Puducherry
(Crime No.28 of 2024)

3.The Superintendent,
Central Prison,
Kalapet, Puducherry

4.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.21814 of 2024

P.DHANABAL, J.

smn

Crl.O.P.No.21814 of 2024

05.09.2024