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CRL O.P. No.21972 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.09.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.21972 of 2024

Jitender Singh Bhangoo ... Petitioner / Accused No.3
Vs

State rep. by:-

The Inspector of Police,
Prohibition of Enforcement Wing,
Coimbatore City Police Station,
Coimbatore District.
[Cr. No.377 of 2024]

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of
B.N.S.S., praying to grant bail to the petitioner/Accused in Crime No.377
of 2024 on the file of the respondent police.

For Petitioner : Mr. S. Ponbalaji
For Respondent : Mrs. G.V. Kasthuri
Additional Public Prosecutor.

ORDER



CRL O.P. No.21972 of 2024

The petitioner/1st Accused, who was arrested and remanded to judicial custody on 17.06.2024 for the offences punishable under sections 8(c) r/w 20(b)(ii)(A) and 22(b) of NDPS Act, 1985 in Crime No.377 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that based on secret information, the respondent police conducted inspection near Ramanathapuram Sungam, Tiyaagi Sivaram Nagar Junction, found the accused in possession of Ganja weighing 50 grams and 5 grams of Methamphetamine. Hence, the complaint.

3. The learned counsel for the petitioner would contend that this petitioner has been falsely implicated in this case registered under Sections 8(c) r/w 20(b)(ii)(A) and 22(b) of NDPS Act, 1985 and he was arrested and remanded to judicial custody on 17.06.2024, that he has not committed any offence, that the quantity of materials involved in this case is also not a commercial quantity and hence he prayed to grant bail.

4. The learned Additional Public Prosecutor would submit that the petitioner was found in possession of Ganja weighing 50 grams and 5 grams of Methamphetamine and investigation is at initial stage and



CRL O.P. No.21972 of 2024

already this petitioner is having one previous case and hence he strongly objected to grant bail to the petitioner.

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

6. Considering the rival submissions on either side and considering the fact that quantity of materials involved in this case is not a commercial quantity, that there is one previous case and in that case, he was released on bail and also considering the period of incarceration underwent by the petitioner and investigation is almost completed, I am 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 **Special Court for Essential Commodities Act Cases, Coimbatore** and on further conditions that:

[b] the petitioner shall report before the Special Court for Essential Commodities Act Cases, Coimbatore on all working days at



CRL O.P. No.21972 of 2024

10.30 A.M. until further orders.

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[c] 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;

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

[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 them from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.



CRL O.P. No.21972 of 2024

11.09.2024

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index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
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TO

- 1.The Special Court for Essential Commodities Act Cases, Coimbatore
- 2.The Public Prosecutor, Madras High Court, Chennai.
- 3.The Inspector of Police,
Prohibition of Enforcement Wing,
Coimbatore City Police Station,
Coimbatore District.
4. The Superintendent of Police, Central Prison, Coimbatore.

P.DHANABAL,J
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CRL O.P. No.21972 of 2024

CRL.OP.No.21972 of 2024

11.09.2024