



Crl.O.P.No.22247 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.22247 of 2024

Vishnu @ Blade Vishnu

...Petitioner/Accused No.1

Vs.

State rep. by Station House Officer
Thavalakuppam Police Station
Puducherry
(Cr.No.116 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioner on bail in Crime No.116 of 2024 on the file of the respondent police.

For Petitioner : Ms.A.Priyanka

For Respondent : Mr.K.S.Mohandass
Public Prosecutor (Puducherry)
Assisted by
Mrs.N.Danalatchumy



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ORDER

The petitioner/A1, who was arrested and remanded to judicial custody on 14.08.2024 for the offences under Sections 20(b)(ii)(A) r/w 8(c) of the NDPS Act of 1985 and Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015 r/w 3(5) of the BNS in Crime No.116 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner, along with other accused, were selling the banned Narcotic Drugs to the college and school students. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. She further submitted that the petitioner has been in custody since 14.08.2024; that he is a law-abiding citizen; that he is ready to furnish substantial sureties for his due release on bail; and therefore, she prays for the grant of bail to the petitioner.



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4. Learned Public Prosecutor (Puducherry) for the respondent police submitted that the petitioner, along with other accused, were selling the banned Narcotic Drugs to the college and school students and that 40 grams of ganja were recovered from the petitioner. He further submitted that there are fourteen previous cases pending against the petitioner. Hence, he strongly opposed the grant of bail to the petitioner.

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

6. Considering the representation made by both sides, the nature of offences charged against the petitioner, the quantity of material involved in this case is not a commercial quantity, that though the petitioner has so many previous cases, all the cases are not similar kinds of offences, and also taking into consideration the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:



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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 *Special Judge under NDPS Act at Puducherry*, and on further conditions that:

[a] the petitioner shall report before the Jurisdictional Magistrate on every working day at 10.30 a.m. until further orders;

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

[c] the petitioner shall not commit any offences of 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, 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;

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

[f] 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



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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]; and

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

18.09.2024

dk

To

- 1.The Special Judge under NDPS Act,
Puducherry.
- 2.The Superintendent of Prison,
Central Prison, Kalapet,
Pudhucherry.
- 3.The Station House Officer
Thavalakuppam Police Station,
Puducherry.
- 4.The Public Prosecutor (Puducherry)
High Court of Madras.



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P.DHANABAL, J.

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