



Crl.O.P. No.22137 of 2024

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WEB CO P.DHANABAL.J.,

The petitioner apprehends arrest for the alleged offences under Sections 8(c) r/w.20(b)(ii)(B) of NPDS Act, 1985 in Crime No.371 of 2024, on the file of the respondent police seeks anticipatory bail.

2.The case of the prosecution is that on 03.08.2024, the respondent police had conducted vehicle checkup, at that time, they found the accused persons in illegal possession of 2.300Kgs. of ganja. Hence the case.

3. The learned counsel for the petitioner would contend that this petitioner has not involved any offences as alleged by the prosecution. Based on the confession statement of co-accused, this petitioner was arrayed as accused in this case. There is no similar kind of previous case is pending against the petitioner. This petitioner is an innocent person and he has not indulged in any illegal activities as alleged by the prosecution and he has been falsely implicated in this case by the respondent police. Hence, he seeks anticipatory bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) would submit that the respondent police had conducted vehicle checkup, at that time, they found the accused persons in illegal possession of 2.300Kgs. of ganja. This petitioner is having one previous case in which he subsequently released on bail. Based on the confession statement of co-accused, this petitioner was arrayed as accused. The contraband was also recovered from the co-accused. However, the learned Government Advocate (Criminal Side) vehemently opposed to grant anticipatory bail to the petitioners.

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

6. Considering the rival submissions on either side, considering the nature of offence, quantity of material involved in this case, based on the confession statement of co-accused, this petitioner was arrayed as accused and the contraband was also recovered from the co-accused, there is no previous case pending against the petitioner, though this petitioner is having one previous case, in which he subsequently released on bail and considering other aspects, this court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:



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7. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate-II, Panruti** on condition that the petitioner shall 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 Magistrate concerned and on further condition that:

[a] the petitioner shall report before the Special Judge, Special Court for EC & NDPS Act Cases, Cuddalore District on every working day at 10.30a.m. until further orders;

[b] 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.

[c] the petitioner shall not leave India without the prior permission of the Court.

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



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

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

12.09.2024

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