



**Crl. O.P. No.24250 of 2024**

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**P. DHANABAL.J.,**

The petitioner / Accused 2, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 8(c), 20(b)(ii)(B), 25, 29(1) of NDPS Act in connection with the Cr. No.540 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that based on the secret information, on 27.07.2024, the respondent police intercepted one Honda Dio motor bike bearing Registration No.KA03-KC-2159 and found the accused 1 and 2 with illegal possession of 1.100 kgs of Ganja. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is arrayed as A2, that he is no way connected with the said offence, that the respondent police have not conducted proper enquiry, that he is an innocent, that he has been falsely implicated in this case and he is ready to offer solvent sureties and therefore, he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for



**Crl. O.P. No.24250 of 2024**

the respondent police would submit that based on the secret information about the illegal sale of contraband, on 27.07.2024 at about 15 hours, the respondent police intercepted the vehicle near Primary Health Centre, Kathirampatti Village and found the accused with illegal possession of 1.100 kgs of Ganja, that the petitioner/A2 was arrested and his statement was recorded, that materials were seized, that the enquiry revealed that A1 purchased the contraband from Bangalore and gave it to A2 and tried to sell them in the local area for their personal gain. Some more witnesses are to be examined and absconding accused are yet to be secured and therefore, he strongly opposed to grant anticipatory bail to the petitioner.

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

6. Considering the representations made on either side, considering the nature of offences charged against the petitioner, considering the fact that this petitioner was arrayed as an accused only based on the confession statement given by the co-accused, who was already arrested and released on bail, that no materials were recovered from this petitioner and the quantity of materials involved in this case is not a commercial quantity, that though there is one previous case pending against this petitioner, he



**Crl. O.P. No.24250 of 2024**

was released on bail in that case, I am inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on 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 **Judicial Magistrate Court No.II, Tirupattur** 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 concerned NDPS Court daily at 10 a.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 them from disclosing such facts to the Court or to any police officer;

[c] the petitioner shall not leave India without the previous



**Crl. O.P. No.24250 of 2024**

permission of the Court;

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

[e] On breach of any of the aforesaid conditions, the learned 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 B.N.S.2023.

04.10.2024

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To

- 1.The Judicial Magistrate Court No.II, Tirupattur
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, Tirupattur Taluk Police Station, Tirupattur.

**P.DHANABAL,J**  
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**Crl. O.P. No.24250 of 2024**

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