



Crl. O.P. No.23919 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 20(b)(ii)(A) of NDPS Act and Sections 4(1)(a), 4(1-A) and 14A of TN Prohibition Act in connection with the Cr. No.198 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that when the respondent police were on their patrol duty in Malepattampakkam to Chittharasu Road at around 12.30 p.m., they found a black colour Ford car bearing Registration Car TN02 AV 6881 and on seeing the police, the persons inside the car had escaped and on search, the police found 250 grams of Ganja leaves and 10 litres of while illegal poisons liquor. 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 even as per the FIR, there is no specific allegation as against this petitioner



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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 the respondent police would submit that the petitioner along with other accused had possessed 250 grams of Ganja leaves and 10 litres of while illegal poisons liquor in a black colour Ford car bearing Registration Car TN02 AV 6881 for the purpose of selling and this case was registered against A1 and A2 and against two other absconding accused and this petitioner is A2 in this case and this petitioner is having some previous other cases and hence he strongly objected to grant anticipatory bail to the petitioner. However, the learned Government Advocate appearing for the State admitted that some previous cases against the petitioner were disposed of.

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 no materials were recovered from this petitioner and the quantity of



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materials involved in this case is not a commercial quantity, that though there are previous cases pending against this petitioner, some cases were disposed of and that contra band materials were recovered from A1 and he was arrested and released on bail, 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.I, Cuddalore** 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 on all working days at 10.30 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



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to any police officer;

WEB COPY [c] the petitioner shall not leave India without the previous 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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P.DHANABAL,J
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To

- 1.The Judicial Magistrate Court No.I, Cuddalore
2. The Public Prosecutor, High Court, Madras.
- 3.The Sub-Inspector of Police, Nellikuppam Police Station, Cuddalore.



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