



Crl. O.P. No.24268 of 2024

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P. DHANABAL.J.,

The petitioners / Accused 3 and 4, who apprehend arrest in the hands of the respondent police for the offences punishable under Sections 8(c) and 20(b)(ii)(B) of N.D.P.S. Act in connection with the Cr. No.71 of 2024, seek anticipatory bail.

2. The case of the prosecution is that on 02.09.2024, based on the secret information, the respondent police found the accused with illegal possession of 800 grams of Ganja plant, seeds and leaves. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioners have been falsely implicated in this case, that based on the confession statement given by the co-accused, these petitioners have been arrayed as accused in this case and these petitioners were not found with any illegal possession of contraband, that they did not commit any offence, that they are innocent persons and therefore, he prayed to grant anticipatory bail to the petitioners.

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



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the respondent police would submit that there are totally 5 accused and the petitioners, who are A3 and A4 along with other accused have illegally sold the banned contraband and 800 grams of Ganja was seized from the accused A1 and hence he strongly opposed to grant anticipatory bail to the petitioner. The learned Government Advocate appearing for the State would further submit that A1 was already arrested and there is no previous case pending against these petitioners.

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 petitioners, considering the fact that the quantity of materials involved in this case is not a commercial quantity, that only based on the confession statement of the co-accused, these petitioners were arrayed as accused in this case and there is no previous case pending against these petitioners, I am inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **Judicial Magistrate Court No.II, Cuddalore** on condition that the petitioners



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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 petitioners shall report before the concerned NDPS Court daily at 10.30 a.m. until further orders;

[b] the petitioners 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 petitioners shall not leave India without the previous permission of the Court;

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed



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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.

04.10.2024

mjs

To

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

P.DHANABAL,J
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