



Crl.O.P. No.24890 of 2024

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P. DHANABAL.J.,

The petitioner apprehends arrest for the alleged offences under Sections 8(c) r/w.20(ii)(B) and Section 25 of NDPS Act, 1985 in Crime No.340 of 2024, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the respondent police conducted check up, at that time, they found that the petitioner in illegal possession of 1.500Kg. of ganja. Hence the case.

3. The learned counsel for the petitioner would contend that only based on the confession statement of co-accused, this petitioner was arrayed as accused in this case. This petitioner is an innocent person and he had not indulged in any illegal activities as alleged by the prosecution and he has been falsely implicated in this case by the respondent police. There is no previous case as against this petitioner. 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 found the petitioner in illegal possession of 1.500Kg. of Ganja. Based on the confession statement of co-accused, this petitioner was arrayed as accused in this case. There is no recovery was made in this petitioner. The petitioner is having 14 previous cases, two cases were already disposed of and other pending cases are concerned he was released on bail. However, the learned Government Advocate (Criminal Side) vehemently opposed to grant anticipatory bail to the petitioner.

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

6. Considering the rival submissions on either side, considering the nature of offence and the quantity of material involved in this case is not a commercial quantity, based on the confession statement of co-accused, this petitioner was arrayed as accused, the petitioner is having 14 previous case, two cases were already disposed and other cases are not similar kind of offences and in all cases he was released on bail, there is no recovery was made from this petitioner and also considering other aspects, this court is inclined to grant anticipatory bail to the petitioner, subject to the



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following conditions:

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[a] the petitioner shall report before the respondent police daily at 10.00a.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



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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.

17.10.2024

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