



Crl.O.P.No.25809 of 2024

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P.DHANABAL,J.

The petitioner/A5 who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 8(c), 20(b)(ii)(B), 29(1) of NDPS Act, 1985 in Crime No.256 of 2024 seeks anticipatory bail.

2. The case of the prosecution is that the as per the secret information on 13.09.2024, the respondent police went to the occurrence place and they have found that the the co-accused/ A1 to A4 found to be in illegal possession of 1kg and 100 grams of ganja and the same was seized from them. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He further submits that no contraband was seized from this petitioner. He further submits that only based on confession statement of the arrested co-accused, he has impleaded in this case and



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arrayed as A5 and the co-accused were enlarged on bail. He also submits that he is ready to abide by any stringent conditions imposed by this Court. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that the co-accused/ A1 to A4 found to be in illegal possession of 1kg and 100 grams of ganja and the same was seized from them. He further submits from A1, 1 kg and 100 grams of ganja were seized and from A2 to A4, 300 grams of ganja (each 100 grams) were seized and in respect of this petitioner/A5, he has helped them for purchasing the said contraband. He further submits that the petitioner is having 18 previous cases with various offences. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner as well as the learned Government Advocate (Crl.Side) and perused the materials available on record.



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6. Considering the nature of offence, the quantity of contraband involved in this case is not a commercial quantity and no contraband was seized from this petitioner and also the fact that based on the confession statement of the co-accused, he has been arrayed as an accused in this case and the co-accused were enlarged on bail. Though the prosecution has stated that the petitioner has 18 previous cases, among them, most of the cases were disposed of and in the remaining cases, he was enlarged on bail and considering all other aspects, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 learned **Metropolitan Magistrate-II, Chennai** 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:



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[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 tamper with evidence or witness either during investigation or trial.

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

[d] 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].

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

24.10.2024

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