



Crl.O.P.No.26787 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.26787 of 2024

Sachin Garg

...Petitioner/Accused No.9

Vs.

The State rep by
The Inspector of Police,
PEW Coimbatore City Police Station
Coimbatore.
(Crime No.417 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioner on bail in Cr.No. 417 of 2024 on the file of the respondent police.

For Petitioner : Mr. K.Balasubramaniam

For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested on 06.09.2024 and remanded to judicial custody on the same day for the offences under Sections 8(c) read with 20(b)(ii)(B), 22(a), 25 and 29(1) of NDPS Act, 1985 and under Sections 123, 336(2), 336(3), 340(2) of BNS Act, 2023 in Crime No.417 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused were found in possession of 1.410 kgs of Ganja, 1150 numbers of Tapentadol Tablets and 5 numbers of Nitrosun Tablets and 10 numbers of Alprazolam Tablets. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case and he is a law-abiding citizen and he is ready to furnish substantial sureties for his due release on bail; therefore, he prays for the grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) objected for granting bail to the petitioner stating that totally there are 9 accused in this case and the petitioner along with other accused were found in possession of 1.410 kgs of Ganja, 1150 numbers of Tapentadol Tablets and 5 numbers of Nitrosun Tablets and 10 numbers of Alprazolam Tablets and there is no previous case against the petitioner and the said contraband was also recovered. He would further submit that the co-accused has already been released on bail and only based on the confession statement of the co-accused, this petitioner has been implicated.

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

6. Considering the submissions made on both sides, the quantity of material involved in this case, and also taking into consideration the period of incarceration undergone by the petitioner from 06.09.2024 and the contraband involved in this case is not a commercial quantity and also the petitioner has no previous case and only based on the confession statement of the co-accused, this petitioner has been implicated, the



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petitioner has also produced the copy of the license to sell the contraband, this Court is inclined to grant bail to the petitioner with certain conditions:

[a]. Accordingly, the petitioner is ordered to be released on bail on his executing 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 court of *Additional District Judge/ Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore*, and on further conditions that:

[b] the petitioner shall report before the NDPS Court, on all working days at 10.30 a.m., for 30 days;

[c] The petitioner shall attend in accordance with the conditions of the bond;

[d] The petitioner shall not commit any offence similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;



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[e] The petitioner shall not abscond either during investigation or trial;

[f] 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 evidence;

[g] 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]; and

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of the BNS.

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P.DHANABAL, J.

vsg

To

1. Additional District Judge/ Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore.
2. Central Prison, Coimbatore.
3. The Inspector of Police,
PEW Coimbatore City Police Station
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.

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