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Crl.O.P.No.26273 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

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Sivakolundhu

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Vellode Police Station,
Erode District.
(Crime No. 87 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail, in Crime No.87 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.R.T.Vishnu

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

ORDER

The Petitioner, who was arrested and remanded to judicial custody
on 29.05.2024, for the alleged offence punishable under Section 8(c),



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20(b)(ii)(C) and 25 of NDPS Act, in Crime No.87 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 29.05.2024, when the respondent police was in regular patrol duty, they found the petitioner along with other accused was in possession of 150 kgs of ganja. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He further submits that based on the confession of the arrested accused, this petitioner was arrayed as an accused in this case and no contraband was recovered from this petitioner. He further submits that the petitioner was arrested and is in judicial custody from 29.05.2024 and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that there are 23 accused in this case and the petitioner



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herein is arrayed as A14. He further submits that when the respondent police were on regular patrol duty, at that time, they found the petitioner along with other accused is in possession of 150 kgs of ganja, which is a commercial quantity. He further submits that after enquiry, the respondent police found 150 kgs of ganja in the house of A2, and the same was recovered from the possession of A2. He further submits that the specific overt act against this petitioner is that this petitioner used to purchase the contraband from A1 to A3 and sell the same to the college students in the locality. He further submits that the petitioner has no previous case pending against him. Hence, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the representation made by both side counsel, no contraband was recovered from this petitioner, no previous case pending against him, even as per the prosecution money was transferred to the other accused from the petitioner and the same has to be transferred through trial, considering the period of incarceration undergone by the petitioner from



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29.05.2024 and considering that the petitioner was arrayed as accused based on the confession statement of co-accused, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

7. 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 learned Additional District Judge/Presiding Officer for Essential Commodities Act Cases, Coimbatore, and on further conditions that:-

[a] the petitioner shall report before the concerned NDPS Court, Coimbatore on all working days at 10.30 a.m., until further orders.

[b] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[c] 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



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police officer;

[d] the Petitioner shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Judicial 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

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

20.11.2024

drl

To

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



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P.DHANABAL, J.

drl

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