



CRL O.P. No.26192 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.10.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.26192 of 2024

Vivek @ Vellaiyan Kittu

... Petitioner / A22

Vs

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

... Respondent

PRAAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in Crime No.87 of 2024 on the file of the respondent.

For Petitioner : Mr.R.Parthiban

For Respondent : Mr.S.Vinoth Kumar
Government Advocate
(Criminal Side)



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ORDER

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The petitioner/A22, who was arrested and remanded to judicial custody on 14.09.2023, for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C) and 25 of NDPS Act in Crime No.87 of 2024, on the file of the respondent seeks bail.

2.It is the case of the prosecution that the petitioner along with the other accused were found in illegal possession of 150 kgs of Ganja. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case and only based on the confession statement of co-accused, he has been arrayed as accused. He would submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) would submit that the alleged commercial quantity of contraband was only recovered from A1 and A2. He would further submit that only 200 grams of ganja was recovered from the petitioner and also no previous case pending as against the petitioner. However, he vehemently opposed for grant of bail to the petitioner.

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

6. Considering the nature of offence and the the alleged commercial quantity was recovered only from A1 and A2 and contraband recovered from this petitioner is not a commercial quantity and the petitioner was arrayed as accused only based on the confession statement of co-accused and there is no previous case pending against the petitioner, and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] Accordingly, the Petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten



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Thousand only) with two sureties each for a like sum to the satisfaction of the **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 concerned NDPS Court on all working days at 10.30 a.m., until further orders;

[c] 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;

[d] 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;

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

[f] 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



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

23.10.2024

smv

To

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



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P.DHANABAL,J.

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