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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2024

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No. 26738 of 2024

Udhayakumar

... Petitioner

Vs.

State Rep by.
The Inspector of Police,
Uthukuli Police Station, Thiruppur District.
Crime No. 302 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in CC No. 170 of 2022 pending on
the file of the Additional District Judge/Presiding Officer, Special Court for
Essential Commodities Act Cases, Coimbatore District.

For Petitioner : Mr.C.D.Sugumar
For Respondent : Mr.V.Meganathan,
Government Advocate (Crl. side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on **05.09.2022** for the alleged offences punishable under Sections **8 (c) r/w 20 (b)(ii)(C) 29(1) and 25 of NDPS Act, in crime No. 302 of 2022** on the file of the respondent, seeks bail.

2. The case of the prosecution is that on 04.09.2022, based on the secret information the respondent police intercepted the Innova Crysta Car bearing registration No. TN49BL5050 and seized 21.300 kgs of Ganja from the petitioner. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and he is in judicial custody for more than 777 days. Further, the final report has been filed in this case. Hence, he prays to allow this petition.

4. The learned Government Advocate (Crl. side) submits that the contraband seized from the petitioner is commercial quantity. Hence, he raised objection to grant bail.



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5. Considering the facts and circumstances of the case, the petitioner is in judicial custody for more the past 777 days and there is no previous case pending against the petitioner. Further, the Judgement of Apex Court in Crl.A.No. 1247 of 2024 is squarely applicable to the facts of the case and the investigation has been completed and Co-accused also released on bail. Hence, this Court is inclined to grant the bail to the petitioner.

6. 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 (one must be a blood surety)**, each for a like sum to the satisfaction of the **learned Additional District Judge/Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore District**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



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[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of three months.

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

[d] the petitioner shall not tamper with evidence or witness either during 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 abscond, a fresh FIR can be registered under Section 229A IPC.

07.11.2024



T.V.THAMILSELVI,J.

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To

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

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