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CrI.O.P.No.27025 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.27025 of 2024

Shiv Datta Bera
S/o.Rati Kant Bera

...Petitioner

Vs.

State rep. by
The Inspector of Police
Palladam Police Station,
Tirupur District
Crime No.986 of 2024

...Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioner on bail pending investigation in Crime No.986 of 2024 on the file of respondent police.

For Petitioner : Mr.G.C.Nelson Britto

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.10.2024 for the offences under Sections 8(c) read with 20(b)(ii)(B) of NDPS Act in Crime No.986 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 07.10.2024, the petitioner was in possession of 2.8 kgs. of Ganja Chocolates. 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. He further submitted that the petitioner has been in custody since 07.10.2024; that he is a law-abiding citizen; that he is ready to furnish substantial sureties for his due release on bail. Therefore, he prays for the grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) opposes the grant of



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bail to the petitioner stating that the petitioner was in possession of 2.8 kgs. of Ganja Chocolates. He further submitted that there is no previous case pending against the petitioner.

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

6. Considering the representation made on both sides and the fact that the quantity of material involved in this case is not a commercial quantity, there is no previous case pending against the petitioner and also taking into consideration the period of incarceration undergone by the petitioner from 07.10.2024, this Court is inclined to grant bail to the petitioner with 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 Judicial Magistrate, Palladam**, and on further conditions that:

[a] the petitioner shall report before the concerned



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NDPS Court, on all working days at 10.30 a.m., until further orders, without fail.

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

[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 or tamper with the evidence;

[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



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in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];
and

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

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To

- 1.The Judicial Magistrat, Palladam.
- 2.The Superintendent of Prison,
Sub Jail, Palladam.
- 3.The Inspector of Police
Palladam Police Station,
Tirupur District
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

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