



Crl.O.P.No.27253 of 2024

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A.D.JAGADISH CHANDIRA, J.

The Petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(c) and 20(b)(ii)(B) of NDPS Act, in Crime No.71 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 02.09.2024, the petitioner along with the other accused were found in possession of 800 grams of ganja. Hence, the case.

4.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been implicated as an accused only based on the confession statement of the co-accused. He would further submit that the petitioner has no previous case under NDPS Act. He would also submit that the arrested accused have already been released on bail. He would further submit that the petitioner is ready to abide by any condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.



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5.The learned Government Advocate (Crl. Side) would submit that the petitioner along with the other accused were found in possession of 800 grams of ganja. He would further submit that this petitioner is the supplier of the contraband and A3 and A4 were sellers. He would further submit that there is one previous case against the petitioner. He would further submit that co-accused in this case were arrested and released on bail. However, he vehemently opposed to grant anticipatory bail to the petitioner.

6.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

7.Considering the facts and circumstances of the case and the fact that co-accused were arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the ***Judicial Magistrate No.II***,



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Cuddalore, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond 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 absconds, a fresh FIR can be registered under Section 269 BNS.

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