



Crl.O.P.No.27575 of 2024

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A.D.JAGADISH CHANDIRA, J.

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The petitioner/A5, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 8(c), 22(a) and 29(1) of NDPS Act, in Crime No.217 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with the other accused were found to be in illegal possession of 20 nos of Nitrovet (10 mg) and 36 nos of Tydol (100 mg) tablets. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that there is no previous case pending against the petitioner and that co-accused, namely A1 to A3 were arrested and released on bail. He would further 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 anticipatory bail to the petitioner.



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4.Per contra, learned Government Advocate (Crl. Side), while opposing the grant of anticipatory bail, would submit that the petitioner was found to be in illegal possession of 20 nos of Nitrovet (10 mg) tablets and 36 nos of Tydol (100 mg) tablets. He would further submit that the contraband seized is intermediate quantity and that there is no previous case pending against the petitioner and that co-accused in this case were arrested and released on bail.

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

6.Considering the facts and circumstances of the case, submissions made by the learned counsel on either side and also of the fact that there is no previous case pending against the petitioner and that co-accused were already arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;



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[a] Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the **XXIII Metropolitan Magistrate, Saidapet**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties 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 learned Magistrate concerned, 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 6:30 p.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]**;



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

20.11.2024

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