



Crl.O.P.No.27719 of 2024

P.DHANABAL,J.

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The petitioner/A3 who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 8(C), 20(b)(II)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.339 of 2024, on the file of the respondent police seek anticipatory bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 2 Kgs., of cannabis. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police opposed to grant anticipatory bail to the petitioner stating that the petitioner was found in illegal possession of 2 Kgs., of cannabis and the co-accused had already been arrested and released on bail and the petitioner has 26 previous cases, out of which, 17 previous cases are disposed of.

5. Considering the submissions of both sides, nature of offences, the quantity of contraband involved in this case is not a commercial quantity, and also of the fact that the co-accused had already been arrested and released on



bail though the petitioner has 26 previous cases, out of which, 17 previous cases are disposed of and all pending cases already bail was granted to the petitioner and considering all other factors, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the **learned District Munsif-cum-Judicial Magistrate, Kalasapakkam**, on condition that the petitioner shall execute a separate 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the concerned NDPS Court on all working days at 10.30 a.m. until further orders.

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

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

[d] 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



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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 v. State of Kerala [(2005) AIR SCW 5560].

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

20.11.2024

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