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Crl.O.P.No.28558 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.28558 of 2024

Sowkath Ali

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
NIB CID Police,
Coimbatore District
Crime.No.39 of 2023).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in
Crime No.39 of 2023 pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.Parthasarathy

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

Petition seeking bail in respect of C.C.No.57 of 2024 in connection with
Crime No.39 of 2023 registered for the offences punishable under Sections 8(c),
read with Sections 20(b)(ii)(C) and 25 of NDPS Act, 1985



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2. The incarceration of the petitioner being from 05.04.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that, petitioner has been falsely implicated based on the confession statement recorded from the other accused, who is the driver of the vehicle, had gone for a trip to Andhra Pradesh and the driver without the knowledge of the petitioner had involved in the illicit transportation of the contraband and also submit that, except the confession statement recorded under Section 67 of NDPS Act, there is no other material to implicate the petitioner in this case. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that on 12.09.2023 on the information of Kerala Excise Officials that Ashok Leyland bearing Reg.No. TN 36 BU 1810 was parked in a suspicious circumstances and it was suspected that the NDPS substances were concealed in the vehicle, therefore the respondent police conducted a search and found that 27 kgs of ganja was concealed in the vehicle, based on the same, a case was



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registered and the driver of the vehicle was arrested, later on his information, petitioner, who is the owner of vehicle was also implicated in the case and the respondent police after completion of investigation has filed a final report and the case is pending trial in C.C.No.57 of 2024 on the file of the Additional District Judge(E Court), Coimbatore. He further submit that, the petitioner is the owner of the vehicle and on his instructions only, his driver transported 27 kgs of ganja and there are telephonic conversations available between the petitioner and the driver to show that the petitioner also implicated in this case.

4. In reply, the learned counsel for the petitioner submitted that, being the owner of the vehicle, petitioner had contacted his driver, except that, there is no other material to show that the petitioner had the knowledge of the illegal transportation of ganja by the other accused, who is the driver of the vehicle.

5. Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, and taking note of the nature of allegation and that no previous case has been reported against the petitioner and that the petitioner has satisfied the conditions contemplated under Section 37 of NDPS Act, this court is inclined to grant bail to the petitioner with certain conditions and



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accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Additional District Judge/Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore**, 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;

[b] the petitioner shall report before the Special Court for Essential Commodities Act Cases, Coimbatore on all working days at 10.30.a.m., ., until further orders;

[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***



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[(2005)AIR SCW 5560];

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

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A.D.JAGADISH CHANDIRA.,J.

Sma

To

1. **Special Court for Essential Commodities Act Cases, Coimbatore**

2. The Inspector of Police,
NIB CID Police,
Coimbatore District

3. The Superintendent,
Central Prison, Coimbatore

4. The Public Prosecutor,
High Court of Madras.

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