



Crl.O.P.No.27986 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner/A3 who apprehends arrest at the hands of the respondent police for the offences punishable under Section 8(c) r/w 20(b)(ii)(B) of the Narcotic Drugs & Psychotropic Substances Act, 1985 and Sections 4(1)(a), 4(1-A) of the Tamil Nadu Prohibition Act in Crime No.354 of 2023, seeks anticipatory bail.

2.It is stated that A1 and A2 are the father and mother of the petitioner herein. The father was found in possession of 1.100 Kgs of Ganja and the mother was found in possession of 90 bottles of liquor. It is also stated that A1 and A2 had been arrested and granted bail subsequently.

3.It is contended by the learned counsel for the petitioner stated that the petitioner was not in the scene of occurrence, but there are two previous cases against the petitioner herein and in one case, he is absconding from investigation process.



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4. Let me take a broader view and grant anticipatory bail to the petitioner herein.

5. 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 on which the order copy made ready, before the learned District Judge / Presiding Officer, Special Court For Essential Commodities Act, Coimbatore, 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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 respondent police daily at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or



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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 229A IPC.

6.A copy of this order may also be forwarded along with the petition and the counter filed by the respondent to the learned Principal District Judge, Coimbatore, who is also the Chairperson of the District Legal Services Authority. The learned Principal District Judge, Coimbatore, may issue notice to the respondent / the Inspector of Police, Karumathampatti Police Station, Coimbatore and also to A1, A2 and A3 since it is found that the entire family are involved not only in selling Ganja but also liquor unlawfully and examine the reasons why the entire



C.V.KARTHIKEYAN, J.

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family had plunged into this state and try to examine whether reformation is possible and whether alternate lawful sources of income would prevent them from indulging as a family in the offences of this nature.

30.01.2024

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Copy to:-

The Principal District Judge, Coimbatore.

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