



Crl.O.P.No.12171 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.12171 of 2025

Ankit Kumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Thudialur Police Station,
Coimbatore District. (Crime No.109 of 2023)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No.109 of 2023 on the file of the respondent Police.

For Petitioner : Mr.A.Saranraj

For Respondent : Mr.R.Vinothraja
Government Advocate (Criminal Side)

ORDER

The petitioner/A2, who was arrested and remanded to judicial custody on 23.02.2023 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C) & 29(1) of NDPS Act, 1985 in Crime No.109 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused were found to be in

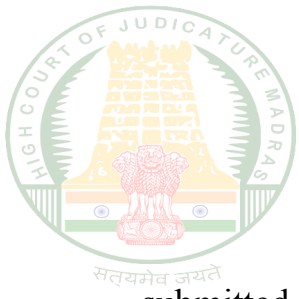


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illegal possession of 350 packets weighing 200 grams ganja laced chocolates, totally 70 kgs of ganja chocolate. Hence the case.

3. The contention of the petitioner is that this is the sixth bail petition filed by the petitioner. He further submitted that the entire contraband was seized from the first petitioner. He further submitted that the co-accused/A1 was released on bail by this Court in CrI.OP.No.17801 of 2024 dated 20.08.2024. He also submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court and hence, he prayed for grant of bail.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and opposed for granting bail to the petitioner. He also submitted that during investigation it came to know that the petitioner used to purchase the contraband from other States and tried to sell the same in Tamil Nadu. He further submitted that on 23.02.2023, the Sub Inspector of Police have produced the arrested accused and remanded them to judicial custody. During the course of investigation, the seized 70 kgs of ganja chocolate along with vehicle was produced before the trial Court and the same was taken on file in p.R. No.141 of 2023 dated 06.04.2023. Then the samples of seized contraband confirms that it is ganja. After completion of investigation, the case was taken on file in C.C.No.70 of 2023 dated 22.08.2023. He further



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submitted that the petitioner has no previous case pending against him.

5. Heard both sides and perused the materials available on record.

6. On perusal of the records, it is revealed that the prosecution has projected a case that the petitioner along with other accused was traveling in a car, wherein the petitioner was seated at the back side of the car while the co-accused was driving the vehicle. When the said car was intercepted, the contraband was recovered from the dig of the car. It is further noted that the seized contraband included ganja chocolates allegedly laced with calories containing 66% of sugar and 33% of cadbury. It is also seen that the statutory documents produced by the respondent police were in Tamil. Since both the petitioners hail from the state of Bihar, they were not in knowledge of reading, writing or understand in Tamil. Therefore, the contention of the petitioner is that the respondent police had created the documents without their knowledge and arrested them. However, the entire contraband was seized from the dig of the car and not in person.

7. Considering the facts and circumstances of the case and taking note of the fact that there is no recovery from the petitioner and that the co-accused, from whom, the contraband was seized, were granted bail by this Court and also considering the period of incarceration undergone by the petitioner, this Court is



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inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two local sureties each for a like sum to the satisfaction of the learned **Additional District Judge/Special Court for Essential Commodities Act Cases, Coimbatore District,** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report before the trial Court on all hearing dates without fail.

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned



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conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;

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

30.07.2025

drl

To

1. The Additional District Judge/
Special Court for Essential Commodities Act Cases,
Coimbatore,
2. The Inspector of Police,
Thudialur Police Station,
Coimbatore District.
3. The Superintendent, Central Prison, Coimbatore.
4. The Public Prosecutor, High Court of Madras.

M.NIRMAL KUMAR, J.



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