



WEB COPY

Crl.O.P.No.441 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2025

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

Crl.O.P.No.441 of 2025

Dinesh Kumar Dubey

... Petitioner

Vs.

The State Represented by
SHO, D Nagar, Police Station
Pondicherry – 605 006.
(Crime No.221 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.221 of 2023 on the file of the respondent.

For Petitioner : Mr.Danish Ahamed. A

For Respondent : Mr.K.S.Mohandass
Public Prosecutor (P)

ORDER

Petition seeking bail in respect of Crime No.221 of 2023 registered for
the offences punishable under Sections 20 (b) (ii) (B) r/w Section 8 (c) of NDPS
Act, 1985, the present petition has been filed seeking anticipatory bail.

2. The case of the prosecution is that the petitioner was found in



possession of 3.5 kgs of Ganja along with two other accused. The petitioner is A1. All the three persons were arrested and A2 & A3 were released on bail. The accused have confessed that they have purchased Ganja. Hence the case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that based on the inadmissible confession recorded from the arrested accused, the petitioner has been arrested. He further submitted that the investigation has been completed and the case has been taken up for trial in Spl.C.C.No.3/2024 and the same is pending on the file of the III Additional Sessions Court, Puducherry. He further submitted that the petitioner is ready to cooperate for the speedy disposal of the trial.

4. The case of the prosecution, as putforth by the learned Public Prosecutor (Puducherry) appearing for the respondent police, opposing for grant of anticipatory bail, is that the petitioner was found to be in possession of 3.5 grams of Ganja. He further submits that the petitioner is the supplier of Ganja and he is the main accused.

5. Having heard the learned counsel for the petitioner and the learned



Government Advocate (Cr1. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and accordingly the petitioners are ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned **III Additional Sessions Judge, Pondicherry**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties each and one surety shall be blood surety of Madhya Pradesh who shall furnish proof of permanent residence of the petitioner 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 said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner shall report before the **III Additional Sessions Judge, Pondicherry** daily at 10.30 a.m for a period of two weeks and thereafter on hearing date fixed by the learned Judge;

[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 petitioners 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 269 of BNS.

30.01.2025

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To

1. The SHO, D Nagar, Police Station
Pondicherry – 605 006.
- 2.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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