
(2024) 04 MAD CK 0031

Madras High Court

Case No: Criminal Original Petition No. 6661 Of 2024

Gowtham And Others

APPELLANT

Vs

State

RESPONDENT

Date of Decision: April 3, 2024

Acts Referred:

- Narcotic Drugs And Psychotropic Substances Act, 1985 - Section 8(c), 20(b)(ii)(B), 29(i)
- Indian Penal Code, 1860 - Section 229A

Hon'ble Judges: T.V.Thamilselvi, J

Bench: Single Bench

Advocate: C.Deepakkumar, V.Meganathan

Judgement

T.V.Thamilselvi, J

1. The petitioners, who were arrested and remanded to judicial custody on 20.02.2024 for the alleged offences punishable under Sections 8(c) r/w 20(b)(ii)(B) and 29(i) of Narcotic Drugs and Psychotropic Act, 1985, in Crime No.152 of 2024 on the file of the respondent Police, seeks bail.
2. The case of the prosecution is that the petitioners were found to be in illegal possession of 12 kilograms of Ganja. Hence the case.
3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He also submitted that the petitioners are in custody from 20.02.2024 and they are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioners.
4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the accused were found to be in possession of 12 kilograms of Ganja, which is an intermediate quantity. He further submitted that the petitioners hail from the State of Karnataka and if bail granted to them, they will not be

available for trial. He also submitted that no previous case is pending against the petitioners, however, he vehemently opposed for grant of bail to the petitioners.

5. At this juncture, the learned counsel for the petitioners submitted that the petitioners, without prejudice their rights, on their own volition, are ready and willing to contribute some amount to any Government organisation as may be directed by this Court and he prays to grant bail to the petitioners.

6. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) and perused the materials available on record.

7. In order to curb the illegal activities of smuggling and selling of Ganja, this Court is of the opinion that the petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each to the credit of Registered Advocate Clerk Association, Vellore, without prejudice to their rights and contentions before the trial Court. Merely, because the petitioners deposit the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

8. Taking into consideration the facts and circumstances of this case and the submissions made by the learned counsel on either side and considering the fact that the contraband seized is an intermediate quantity, this Court is inclined to grant bail to the petitioners with certain conditions.

9. Accordingly, the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) each to the credit of the "Registered Advocate Clerk Association, Vellore", and on such deposit and production of proof, the petitioners are ordered to be released on bail on their executing separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties (out of which, one shall be the blood related surety), each for a like sum to the satisfaction of the learned Judicial Magistrate No.2, Salem, 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 petitioners shall report before the respondent Police on every Sunday at 10.30 a.m., for a period of three months and thereafter, as and when required for interrogation;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.