



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Reserved on : 21.12.2021

Pronounced on : 23.12.2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) .No.18753 of 2021

Shahul Hameed

... Petitioner/Accused
(Rank Not Known)

Vs.

The Intelligence Officer,
Narcotic Control Bureau,
Madurai Sub Zone, Madurai.
(NCB F.No.48/1/05/2021/NCB/MDU)

... Respondent/Complainant

For Petitioner : M/s.R.L.Dhilipan Pandian, Advocate.

For Respondent : M/s.C.Arulvadivel @ Sekar,
Special Public Prosecutor for NCB Cases

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in NCB F.No.48/1/05/2021/NCB/MDU on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 08.10.2021 for the offence punishable under Sections 9(A), 25A, 23, 28 and 29 of NDPS Act, 1985, in NCB.F.No.48/1/05/2021/NCB/MDU, on the file respondent police, seeks bail.

2.The case of the prosecution is that on 07.10.2021, on receiving information, the Officers of Respondent seized 3.250 kgs of white crystalline substance believed to be Pseudoephedrine at M/s.KMG Associates, Thiruvavarur, that subsequently seized 2.860 kgs of white crystalline substance believed to be Pseudoephedrine at M/s.J.S.Travels, Adhirampattinam, Thanjavur District on 07.08.2021, that the enquiry revealed that the parcels were booked



for Australia, by one John Mohammed, who was identified and served with summons, whose real name was found to be Shahul Hameed, that he appeared before the Village Administrative Officer, Adhiramapattinam on 08.10.2021 and that he had admitted his guilt. Hence, the present case.

WEB COPY

3.The learned counsel for the petitioner would submit that the petitioner is innocent, that he has not committed any offence as alleged by the prosecution and that the petitioner has been falsely implicated in the above case. He would further submit that the petitioner has no bad antecedents, that the bar under Section 37 of NDPS Act for granting bail does not arise for the petitioner and that the petitioner is in judicial custody from 08.10.2021 and hence, prays for grant of bail to the petitioner.

4.The learned Special Public Prosecutor appearing for the respondent would submit that the petitioner has given voluntary confessional statement admitting his guilt, that the petitioner has appeared at the Office of Village Administrative Officer, Adhiramapattinam before the Officer of the respondent and a statement was recorded under Section 67 of NDPS Act, that investigation is in progress, that some other persons involved in the case are likely to be apprehended and that if the petitioner is released on bail, he would not be available for trial and there is likelihood of tampering the evidences.

5.As already pointed out, the respondent has seized 3.250 kgs of white crystalline substance believed to be Pseudoephedrine at M/s.KMG Associates, Thiruvarur, that subsequently seized 2.860 kgs of white crystalline substance believed to be Pseudoephedrine at M/s.J.S.Travels, Adhirampattinam, Thanjavur District. As already pointed out, it is the specific case of the prosecution that the petitioner has entered into appearance before the respondent officials and gave statement under Section 67 of NDPS Act.

6.As rightly contended by the learned counsel for the petitioner, it is not the case of the respondent that the contraband seized is of commercial quantity. It is also not the case of the respondent that the petitioner is having previous case for similar offence.

7.Considering facts and circumstances of the case and also the fact that the petitioner is in judicial custody from 08.10.2021 and also considering the quantum of contraband seized and also taking note of the fact that the petitioner is not having any previous case for similar offence, this Court is inclined to grant bail to the petitioner subject to the following conditions:

8.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties each for a like sum to the satisfaction of the learned Additional District Judge/Presiding



Officer, Special Court under Essential Commodities Act, Thanjavur District and on further conditions that;

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

ii) the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v) 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

Sd/-

23/12/2021

/ TRUE COPY /

/ /2021

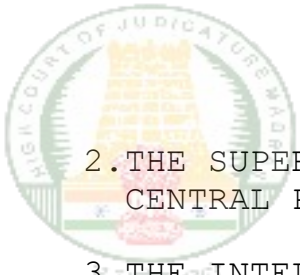
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

das

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE ADDITIONAL DISTRICT JUDGE/
PRESIDING OFFICER, SPECIAL COURT
UNDER ESSENTIAL COMMODITIES ACT,
THANJAVUR DISTRICT.



2. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

3. THE INTELLIGENCE OFFICER,
NARCOTIC CONTROL BUREAU,
MADURAI SUB ZONE, MADURAI.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP (MD) No.18753 of 2021

Date : 23/12/2021

SP/CN/SAR I/29/12/2021/4P/5C