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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2022

CORAM:

THE HON'BLE MR.JUSTICE Dr.G.JAYACHANDRAN

Cr1.O.P.No.6231 of 2022

Nsegi Munyakazi Samuel

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Ammamet Police Station,
Salem.

Crime No.702 of 2021

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending investigation in Crime No.702 of 2021 on the file of the respondent police.

For Petitioner : Mr.Dr.D.Edwin Yuvanraj

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 18.12.2021 for the offences punishable under Section 8(c) r/w 20(b)(ii) (B) of NDPS Act, 1985 and 14 Foreigners Act, 1946, in Crime No.702 of 2021, on the file of the respondent police, seeks bail.

2. The petitioner herein who came from Congo to study at Sona College of Technology, Salem was found in possession of 150 grams of Ganja along with another boy hailing from Kenya who was found in possession of 1 Kg 50 grams of Ganja. They were arrested on 18.12.2021.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person.

4. The learned Additional Public Prosecutor states that the respondent police filed the final report and yet to be taken on file.



5. Considering the facts that the petitioner alleged to have been possessed 150 grams of Ganja who is being a student hailing from Congo, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner is directed to surrender his Passport before the Special Judge for EC/NDPS Act Cases, Salem and the same has to be retained, till the completion of the trial.

(b) the petitioner shall execute 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 Special Judge for EC/NDPS Act Cases, Salem.

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner is directed to appear before the Special Judge for the Exclusive Trial of EC/NDPS Act Cases, Salem on first working day of every month and also attend all hearing dates without fail.

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioner shall not abscond either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];



(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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-sd/-
21/03/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SPECIAL JUDGE,
FOR EC/NDPS ACT CASES, SALEM.

2 THE INSPECTOR OF POLICE,
AMMAPET POLICE STATION,
SALEM DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL JAIL, PUZHAI, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2CC to M/S.DR.D.EDWIN YOVANRAJ Advocate on payment of
necessary charges SR.No.4224

CRL OP.6231/2022

Date :21/03/2022

CSK 22/03/2022