



Crl.OP.No.25694 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2022

CORAM

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

Crl.OP.No.25694 of 2022

Dhanraj Markam

..Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Katpadi Railway Police Station,
Vellore District.
Crime No.94 of 2022

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in connection with Crime No.94 of 2022 on the file of respondent police.

For Petitioner : Mr.C.Deepak Kumar

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.08.2022 for the offences punishable under Sections 8(c), r/w. 20(b)(ii)(B) of NDPS Act in Crime No.94 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had illegally transported contraband in the Dhanbad Alaphey Express Train and he was found in possession of 4 Kgs of Ganja. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would also submit that the petitioner was remanded on 28.08.2022 and there is no previous case pending against him. Hence, he prays for grant of bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that petitioner had illegally transported contraband in the Dhanbad Alaphey Express Train and he was found in



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possession of 4 Kgs of Ganja. He would submit that the investigation is still pending and he strongly oppose for grant of bail to the petitioner.

5. Heard the learned counsels and also perused the materials available on record.

6. Taking into consideration the facts and submissions and the period of incarceration of the petitioner from the date of his arrest, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) with **two sureties** each for a like sum to the satisfaction of the **Special Court for EC/NDPS Act, 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.



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[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioner shall furnish the proof of permanent residence in Chattisgarh.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

09.11.2022

Anu



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To

1. The Special Court for EC/NDPS Act, Salem.
2. The Inspector of Police,
Katpadi Railway Police Station,
Vellore District.
3. The Central Jail,
Salem
4. The Public Prosecutor,
High Court of Madras



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A.D.JAGADISH CHANDIRA, J.

Anu

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