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Crl.O.P.No.9065 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2023

CORAM

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

Crl.O.P.No.9065 of 2023

1. Abhimanyu Kahnar
2. Krushna Chandra Kahnar

... Petitioners

Vs.

The State represented by
The Inspector of Police
PEW-Hosur Police Station
Krishnagiri District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to grant bail to the petitioner pending investigation in Crime No.203
of 2023, on the file of the respondent herein.

For Petitioner : Mr.S.Karthikeyan

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

ORDER

The petitioners, who was arrested and remanded to judicial
custody on 20.02.2023, for the offences punishable under Section 8(c), r/w
20(b) (ii) (B) of NDPS Act, in Crime No.203 of 2023 on the file of the
respondent police, seek bail.



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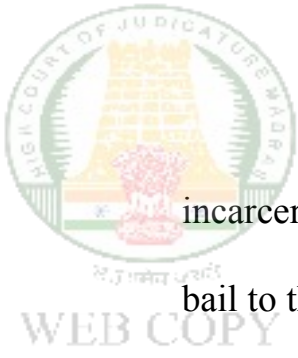
2. The case of the prosecution is that on 20.02.2023, the petitioners were found in possession of 8.200 kgs. of Ganja packed in two bags. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and a false case has been foisted against them. He further submitted that the petitioners have been suffering incarceration from 20.02.2023 and hence, he prayed for grant of bail to the petitioners.

4. The learned Government Advocate (Criminal Side) for the respondent vehemently opposed to grant bail to the petitioners stating that the petitioners were found in possession of 8.200 kgs. of Ganja and that they are native of Odisha.

5. Heard the learned Counsel for the petitioners and the learned Government Advocate (Crl. Side) and perused the materials available on record including the FIR.

6. Considering the facts and circumstances of the case and the submissions made by the learned counsel on either side and the period of



incarceration undergone by the petitioners, this Court is inclined to grant of bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are directed to make a non-refundable deposit of **Rs.10,000/- (Rupees Ten Thousand only)** each by way of **RTGS/NEFT to the credit of "Charu Home for Aged, Account Number : 2771201000291, IFSC Code : CNRB0002771, Canara Bank, Mahila Br., T.Nagar Chennai - 17"**, without prejudice to their rights and contentions before the trial Court, on such deposit and production of proof, the petitioners are ordered to be released on bail on their executing separate bonds for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** with **two sureties, out of which, one surety shall be a blood relative**, each for a like sum to the satisfaction of the **Special Court for trial of NDPS Act, Cases, 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 everyday at 10.30 a.m. until further orders;

[c] at the time of furnishing sureties, the



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blood related surety shall convince the learned Magistrate with regard to his/her permanent residence;

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

[e] the petitioners 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 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]*;

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

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To

1. The Special Judge,
Special Court for trial of NDPS Act cases,
Salem.
2. The Inspector of Police
PEW-Hosur Police Station
Krishnagiri District
3. The Superintendent,
Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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