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CrI.OP.No.9026 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.05.2023

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No.9026 of 2023

Rayees Ahamed Khan

... Petitioner

Vs.

State Rep by
Inspector of Police,
D-1 Triplicane Police Station,
Chennai.
Crime No.517 of 2022

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to release the petitioner on bail in crime No. 517 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.M.Aswin

For Respondent : Mr.A.Damodaran,
Addl. Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.08.2022 for the offence punishable under Sections 8(c) r/w 22 (C) of NDPS Act, 1985 in Crime No.517 of 2022 on the file of the respondent police, pending trial in C.C.No.328 of 2022, on the file of II Addl. Special Court for NDPS & EC Act, Chennai seeks bail.

2. The case of the prosecution is that on receiving a secret information, the respondent police along with his team went to the scene of occurrence and they found that the petitioner along with other accused was in illegal possession of 15 grams of ICE @ methamphetamine and 3.20 grams of LSD stamp. Hence, the present complaint was lodged against the petitioner.

3. The learned counsel 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 A1 and A3 were already granted bail and there is no recovery from this petitioner. Hence, he seeks for grant of bail to the petitioner.

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4. The learned Addl. Public Prosecutor would submit that the petitioner was found to be in possession of 15 grams of ICE @ methamphetamine and 3.20 grams of LSD stamp, which was recovered only from him and it is a commercial quantity. Totally, there are four accused in this case and the petitioner is arrayed as A2. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen that totally there are four accused in this case and the petitioner is arrayed as A2 and on search, the petitioner was found in possession of 15 grams of ICE @ Methamphetamine and 3.20 grams of LSD stamp. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related sureties, each for a like sum to the satisfaction of the learned **IInd Addl. Special Court, NDPS and EC Act, Chennai** and on further conditions that:

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[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 petitioner shall report before the learned II Addl. Special Judge for EC & NDPS Act cases, Chennai on all working days at 10.30 a.m. and also respondent police on every Saturday at 06.30 p.m. until further orders.

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

[d] the petitioner 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 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]**.

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

04.05.2023

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To

- 1.The II Addl. Special Court,
NDPS and EC Act, Chennai.
- 2.Inspector of Police,
D-1 Triplicane Police Station,
Chennai.
3. Central Prison, Puzhal.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai



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G.K.ILANTHIRAIYAN, J.

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