



Crl.O.P.No.14765 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.14765 of 2023

Buthibaman Naik

...Petitioner

Vs.

The State Represented by
The Inspector of Police
St. Thomas Mount Police Station
Crime NO.94 of 2023

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to grant bail to the petitioner in Crime No.94 of 2023 on the file of the respondent police.

For Petitioner : Mr.V.Balamurugan

For Respondent : Mr.Leonard Aul Joseph Selvam
Government Advocate (Crl.side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.04.2023 for the offences punishable under Sections 8(c) read with 20(b)(ii)(B) and 29 (1) of NDPS Act, in Crime No.94 of 2023, on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner has been falsely implicated in this case registered in Crime No.94 of 2023 for the offences under Sections 8(c) read with 20(b)(ii)(B) and 29 (1) of NDPS Act. Petitioner is in judicial custody from 03.04.2023. Thus, he prays for grant of bail.

3. In response, the learned Government Advocate (Crl. Side) opposed this petition, on the ground that, the petitioner was found in illegal possession of 13 kgs. of Ganja. He is from Odisha. If he is released on bail, there is possibility of absconding from crime.



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4. When this Court asked about the antecedents of the petitioner, the learned Government Advocate (Crl. Side) submitted that, the petitioner has no previous case against him.

5. Considering the fact that, petitioner has been in judicial custody from 03.04.2023 and the substantial part of the investigation should have been completed by this time, 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.25,000/-** (Rupees Twenty Five thousand only) with **two sureties out of which, one surety must be from the native of the petitioner viz.,Kautara, Dighiri, Khorda, Odisha**, each for a like sum to the satisfaction of the **Principal Special Court under EC & NDPS Act, Chennai-104** , 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 respondent police daily at 10.30 a.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].



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

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To

- 1.The Principal Special Court under EC & NDPS Act,
Chennai-104
- 2.The Puzhal Jail.
- 3.The Inspector of Police
St. Thomas Mount Police Station, Chennai
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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