



Crl.O.P.No.25291 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2023

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THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.O.P.No.25291 of 2023

Abu Bagad

...Petitioner

Vs.

State represented by the
The Intelligence Officer,
Narcotic Control Bureau,
Madurai.
(NCB F.No.48/1/3/2022/NCB/MDU)
...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in NCB F.No.48/1/3/2022/NCB/MDU on the file of respondent police on such terms and conditions.

For Petitioner : Mr.M.S.Ramesh

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Crl. Side)

ORDER

The petitioner seeks bail in NCB F.No.48/1/3/2022/NCB/MDU,



registered by the respondent police for the offences punishable under Sections 9(A) r/w 23, 25A, 28 and 29 of NDPS Act. He had been remanded to judicial custody on 07.06.2023.

2.The case of the prosecution is that the petitioner was actually involved in smuggling of 2.930 kgs of Ephedrine by a courier. The said courier was booked by one Thiagarajan at Theni and the consignment was booked through DTDC courier to reach Nagarcoil.

3.It is the case of the respondent that the entire address given was false and though the parcel had been intercepted, the present petitioner or other accused could not be secured. They were secured in another case and during the investigation on that particular case, it was found that the petitioner was the accused also in the present crime number. The seized product could be termed only as controlled substances.

4.It is also stated that the investigation has been completed and final report had also been filed before the Jurisdictional Court, Coimbatore.

5.The learned counsel also pointed that the drug which had been seized is only a controlled substance.



CrI.O.P.No.25291 of 2023

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6. Taking all these factors into consideration, though it is stated that there is one previous case of similar nature against the petitioner, but taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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 sureties, each for a like sum to the satisfaction of the Additional District Judge Special cases for Essential Commodities Act, Coimbatore, and on further conditions that :-

[a] the sureties shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

[b] the petitioner shall report before the Additional District Judge under Special cases for Essential Commodities Act, Coimbatore, everyday apart from the Court hearing dates, till completion of the trial;

[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



Crl.O.P.No.25291 of 2023

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.

20.11.2023

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To

1. The Additional District Judge Special cases
for Essential Commodities Act, Coimbatore.
2. The Central Prison II, Puzhal.
3. The Intelligence Officer,
Narcotic Control Bureau,
Madurai.
4. The Public Prosecutor, High Court of Madras.



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Crl.O.P.No.25291 of 2023

C.V.KARTHIKEYAN. J.

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