



CrI.O.P.No.27264 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2023

CORAM

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

CrI.O.P.No.27264 of 2023

Subramani S/o. Pakkiri

... Petitioner/Accused

Vs.

The State represented by
The Inspector of Police,
PEW, St. Thomas Mount Police Station,
Chennai.
(Crime No.77 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in C.C.No.461 of 2023 on the file of
the Principal Special Court for NDPS Act Cases, Chennai, on such terms and
conditions.

For Petitioner : Mr.O.Chembulingam

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.03.2023 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.77 of 2023 on the file of the respondent police, seeks bail.

2.It is stated that the petitioner was in possession of 5 kgs of ganja. After investigation, final report had been filed and the same had been taken cognizance as C.C.No.461 of 2023 by the Principal Special Court for NDPS Act Cases, Chennai.

3.Previous bail application had come up for consideration had been dismissed on 19.10.2023 in Crl.O.P.No.24302 of 2023. At that time, it had been impressed that copies under Section 207 Cr.P.C., should be served on the petitioner and charge sheet should be endeavoured to be filed. But, there is no progress in the case.



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4.Taking into consideration the fact that though there are two previous cases against the petitioner herein and he had been acquitted from those cases, I am inclined to grant bail to the petitioner subject to the following conditions:

5.Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 Principal Special Court for NDPS Act Cases, Chennai, 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 petitioner shall appear before the Principal Special Court for NDPS Act Cases, Chennai, in C.C.No.461 of 2023, on every Monday at 10.30 a.m., until further orders, apart from the Court hearing dates.

[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.



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[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.

01.12.2023

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To

- 1.The Principal Special Court for NDPS Act Cases, Chennai.
- 2.The Inspector of Police,
PEW, St. Thomas Mount Police Station,
Chennai.
3. The Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN, J.

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