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CrI.O.P.No.29165of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.12.2023

CORAM

THE HON'BLE MR. JUSTICE P. DHANABAL

CrI.O.P.No.29165 of 2023

S. Sowbar Sathik

... Petitioner / A5

Vs.

The State Represented by
The Inspector of Police,
H-5, New Washermenpet Police Station,
Chennai – 600 081.
Crime No.283 of 20220

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in C.C.No.280 of 2022 in Crime
No.283 of 2022 before the II Additional Special Court For Exclusive Trial of
Cases under NDPS Act, Chennai.

For Petitioner : Mr.S. Apunu

For Respondent : Mr.G.V.Kasthuri,
Additional Public Prosecutor



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ORDER

The petitioner/A5, who was arrested and remanded to judicial custody on 20.09.2023 on execution of NBW for the alleged offence under Section 8(c) r/w 22(c), 25, 29(1) of the NDPS Act in C.C.No.280 of 2022 in Crime No.283 of 2022 before the II Additional Special Court For Exclusive Trial of Cases under NDPS Act, Chennai, seeks bail.

2.The case of the prosecution is that the petitioner / A5 and other accused were found in illegal possession of Tydol 100 mg tablet (150 tablet 40.5 grams), Nitravet 10 mg tablet (315 tablet 177.66 grams), Nitrosun Tablet 5 mg (100 tablet 55.2 grams) Nitrosun Tablet 10 mg (60 tablets 33.26 grams) and Blue colour SPASMO PROXYVON PLUS(208 tablet 126.88 gram) and Tydol 100 mg tablet (40 tablet 10.88 grams), SPASMO PROXYVON PLUS 320 tablet 192.64 grams) and Tydol 100 mg tablet (10 tablet 2.68 grams) totalling to Tydol 100 mg tablet 52 grams, Nitravet 10 mg tablet 179.55 grams, Nitrosun Tablet 5 mg tablet 55 grams, Nitrosun Tablet 10 mg tablet 33.60 grams and SPASMO PROXYVON PLUS 223.2 grams tablets. Hence this case has been registered by the respondent police.



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3.The learned counsel for the petitioner would submits that the petitioner is an innocent person and no way connected with this case and he has been falsely implicated with this case. Hence, he sought for grant of bail to the petitioner herein.

4.The learned Additional Public Prosecutor submitted that the petitioner/ A5 and other accused were found in illegal possession of Tydol 100 mg tablet (150 tablet 40.5 grams), Nitravet 10 mg tablet (315 tablet 177.66 grams), Nitrosun Tablet 5 mg (100 tablet 55.2 grams) Nitrosun Tablet 10 mg (60 tablets 33.26 grams) and Blue colour SPASMO PROXYVON PLUS(208 tablet 126.88 gram) and Tydol 100 mg tablet (40 tablet 10.88 grams), SPASMO PROXYVON PLUS 320 tablet 192.64 grams) and Tydol 100 mg tablet (10 tablet 2.68 grams) totalling to Tydol 100 mg tablet 52 grams, Nitravet 10 mg tablet 179.55 grams, Nitrosun Tablet 5 mg tablet 55 grams, Nitrosun Tablet 10 mg tablet 33.60 grams and SPASMO PROXYVON PLUS 223.2 grams tablets. She further submitted that charge sheet filed before the concerned Court and the same has been taken on file as



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C.C.No.280 of 2022. The accused was absent, NBW issued against the accused on 18.08.2023. Thereafter, on 20.09.2023, the petitioner was remanded to judicial custody on 20.09.2023. Now, the case is posted for framing of charges.

5. Considering the fact that the case is now posted for framing of charges and considering the period of incarceration suffered by the petitioner from 20.09.2023, this Court is inclined to grant bail to the petitioner herein subject to the following conditions.

6. Accordingly, the petitioner is ordered to be released on bail on executing a separate 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 learned II Additional Special Court For Exclusive Trial of Cases under NDPS Act, 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.



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[b]the petitioner shall appear before the trial Court 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].

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

29.12.2023

smv

To

- 1.The II Additional Special Court For Exclusive Trial of Cases under NDPS Act, Chennai.
- 2.The Inspector of Police,
H-5, New Washermenpet Police Station,
Chennai – 600 081.
3. The Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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P. DHANABAL, J.

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