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CrI.O.P.No.497 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2024

CORAM

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

CrI.O.P.No.497 of 2024

Venkatesan

... Petitioner

Vs.

The State represented by
The Inspector of Police,
PEW Poonamallee Unit,
Crime No.116 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.897 of 2023 pending on the
file of the learned I Additional Special Judge for EC & NDPS Act, Chennai.

For Petitioner : Mr.D.Manojkumar

For Respondent : Mr.L.Baskaran
Government Advocate (crl.side)

ORDER

The petitioner who was arrested and remanded to judicial custody
on 18.07.2023 for the offences registered under Sections 8(c), 20(b)(ii)(B),
29(1) and 27A of NDPS Act in Crime No.116 of 2023 on the file of the
respondent Police, seeks bail.



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2.The case of the prosecution is that the petitioner was found in illegal possession of 4 kgs of Ganja.

3.The learned counsel for the petitioner stated that A1 in this case had been granted bail by the Sessions Court. It is also stated that the petitioner had also been detained under Act 14 of 1982 and subsequently, the said detention order had been quashed by the Division Bench of this Court in H.C.P.No.1784 of 2023 dated 22.12.2023.

4.Taking all the factors into consideration and the period of incarceration and the quantity of contraband seized in this case, 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 EC & 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.

[b]the petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders.

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



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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.

18.01.2024

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To

- 1.The Principal Special Court for EC & NDPS Act, Chennai.
- 2.The Central Prison, Puzhal.
- 3.The Inspector of Police,
PEW Poonamallee Police Station,
Thiruvallur.
4. The Public Prosecutor, High Court of Madras.

C.V.KARTHIKEYAN,J.

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