



CrI.O.P.No.2009 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2024

CORAM

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

CrI.O.P.No.2009 of 2024

Akbar Husen

...Petitioner/Accused-3

Vs.

State represented by
The Inspector of Police,
Paramathi Police Station,
Namakkal District.

(Crime No.197 of 2023)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail concerned in Spl.C.C.No.13 of 2024 on the file of the Special Court for EC/NDPS Act, Salem, on such terms and conditions.

For Petitioner : Mr.C.Deepak Kumar

For Respondent : Mr.L.Baskaran
Government Advocate (CrI. Side)



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ORDER

The petitioner/A3 in Spl.C.C.No.13 of 2024, now pending before the Special Court for EC and NDPS Act Cases, Salem, seeks bail. Originally, Crime No.197 of 2023 had been registered by the respondent for the offences under Sections 8(c) & 20(b)(ii)(B) of NDPS Act. The petitioner was formally arrested, since he was remanded in some other case, on 06.11.2023.

2.It is stated that the A1, A2 and this petitioner/A3 were found in possession of 6kgs of ganja. It is also stated that A1 and A2 had been granted bail.

3.Taking all the factors into consideration and the fact that investigation has been completed and the period of incarceration, I am inclined to grant bail to the petitioner herein subject to the following conditions:

4.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 Special Court for EC/NDPS Act, Salem, and on further conditions



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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 Special Court for EC/NDPS Act, Salem, on every Monday at 10.30 a.m., for a period of four weeks, apart from the Court hearing dates and thereafter, during 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.

[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.

01.02.2024

ata

C.V.KARTHIKEYAN. J.



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To



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ata

1. The Special Court for EC/NDPS Act, Salem.
2. The Central Prison, Salem.
3. The Inspector of Police,
Paramathi Police Station,
Namakkal District.
4. The Public Prosecutor,
High Court of Madras.

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