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Crl.M.P.No.7233 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2024

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

Crl.M.P.No.7233 of 2024
in Crl.A.No.488 of 2024

Raghuraman

...Petitioner

Vs.

Union represented by:
The Intelligence Officer,
Narcotics Control Bureau,
Chennai Zonal Unit,
Chennai.

...Respondent

Prayer : Miscellaneous Petition has been filed under Section 389(1) of Cr.P.C., to suspend the sentence imposed on the petitioner by Judgment dated 03.08.2022 passed by the learned Special Judge, I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai in C.C.No.7 of 2019 and to enlarge the petitioner on bail.

For Petitioner : Mr.I.Syed Sibghatulla

For Respondent : Mr.N.P.Kumar
Special Public Prosecutor (NDPS)

ORDER

This Criminal Miscellaneous petition has been filed to suspend the



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sentence of imprisonment imposed on the petitioner herein in C.C.No.7 of 2019 dated 03.08.2022 on the file of the learned Special Judge, I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai.

2. The trial Court has convicted the petitioner under Section 8(c), 20(b) (ii) (B) of NDPS Act, 1984 and sentenced to undergo Rigorous imprisonment of 10 years and to pay a fine of Rs.1,00,000/- and in default of payment of fine, to undergo further period of 6 months rigorous imprisonment.

3.The case of the prosecution is that the petitioner had been remanded to judicial custody for possession of 150 kgs of Ganja.

4. The learned counsel appearing for the petitioner/A1 submitted that the petitioner is an innocent person who has been falsely implicated in this case and the petitioner is in judicial custody for a period of more than five(5) years. He further submitted that the 2nd accused who involved in this case has secured an order under Section 389(1) and 439



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of Cr.P.C on 21.06.2023 in Crl.M.P.No.2332 of 2023 . Hence, he prays
for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned
Special Public Prosecutor (NDPS) for the respondent.

6. Considering the period of incarceration of the petitioner and
also the fact that the 2nd accused has secured the similar relief on
21.06.2023 in Crl.M.P.No.2332 of 2023, the petitioner is also entitled for
the relief on same terms and this Court is inclined to grant bail to the
petitioner on the following conditions:

(i). the petitioner is ordered to be released on
bail on his executing a bond for a sum of Rs.25,000/-
(Rupees Twenty Five thousand only) with two
sureties, each for a like sum to the satisfaction of the
learned Special Judge, I Additional Special Court for
Exclusive Trial of Cases under NDPS Act, Chennai.

[ii] the petitioner and the sureties shall affix
their photographs and Left Thumb Impression in the
surety bond and the Magistrate may obtain a copy of



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their Aadhar card or Bank pass Book to ensure their identity.

[iii] the petitioner shall surrender before the trial court on every first working day of every month at 10.30.a.m., until further orders.

[iv] the petitioner shall pay the fine amount imposed by the trial court within a period of one month from the date of receipt of a copy of this order.

11.06.2024

msv

Note to office: Issue order copy on 12.06.2024

Index : Yes/No

Speaking Order : Yes/No

NCC : Yes/No

To

1. Special Judge, I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai

2. Superintendent, Central Prison, Coimbatore.

3. The Intelligence Officer,
Narcotics Control Bureau,
Chennai Zonal Unit,
Chennai.

4. The Public Prosecutor,

4/5



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High Court of Madras, Chennai – 600 104.

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M.DHANDAPANI, J.

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