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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2024

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.8998 of 2024

T.Radhakrishnan

... Petitioner

Vs.

State Rep by.
The Inspector of Police,
C3 Seven Wells Police Station,
Chennai. crime No. 68 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.68 of 2024, pending
investigation on the file of the Inspector of Police, C3 Seven Wells Police
Station, Chennai

For Petitioner : Mr.Gautam. G
For Respondent : Mr.V.Meganathan
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.03.2024 for the alleged offences punishable under Sections **8 (c) r/w 20(b)(ii)(B) of NDPS Act 1985 in crime No.68 of 2024** on the file of the respondent, seeks bail.

2. The case of the prosecution is that the accused were found to be in illegal possession of 11.400 kilograms of Ganja. Hence the case.

3. The learned counsel for the petitioner submits that the petitioner submitted that neither the petitioners name is in the FIR nor contraband was seized from the petitioner. Further, he stated that there is no previous case pending against the petitioner and A5 was enlarged on bail by this Court to that effect he produced the copy of the order. Hence, he prays to allow this petition.

4. On the other side, the learned Government Advocate (Crl. side) submits that the accused were found to be in illegal possession of 11.400 kilograms of Ganja. Further, he submitted that co-accused has been released on bail. However, he raised objection to grant bail.



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5. Considering the fact that there is no previous case pending against the petitioner and also alleged contraband seized from the accused persons was intermediate quantity. Hence, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties (one must be a blood surety)**, each for a like sum to the satisfaction of the learned **Principal Special Court Under 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 on every Tuesday and Saturday at 10.30 a.m., for a period of three months and thereafter as and when required for interrogation. Further, the



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petitioner shall deposit a sum of Rs.10,000/- to the Madras High Court Advocate Clerks Welfare Association, Chennai, within a period of two weeks from the date of copy of a receipt of this order;

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

12.04.2024

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T.V.THAMILSELVI,J.

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To

1. The **Principal Special Court Under EC & NDPS Act, Chennai,.**

2. The Inspector of Police,
C3 Seven Wells Police Station,
Chennai

3. The Central Prison, Puzhal.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.8998 of 2024

12.04.2024