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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2024

CORAM

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

Crl.O.P.No.9252 of 2024

S.kaviraj

... Petitioner

Vs.

State Rep by.
The Inspector of Police,
Ambattur PEW Police Station,
Chennai.
Crime No. 290 of 2023.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to grant bail to the petitioner in crime No. 290 of 2023 on the file of
the Principal Special Court under EC and NDPS Act, Chennai in C.C No.
698 of 2023.

For Petitioner : Ms.Nadhiya
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 **01.05.2023** for the alleged offences punishable under Sections **8 (c), 20 (b) (ii) (c) of (NDPS) Act 1985 in crime No. 290 of 2023** on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused persons were found to be illegal possession of 20.400 kgs of Ganja. Hence the case.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and he is an innocent person. Learned counsel prays to grant bail to the petitioner.

4. On the other side, the learned Government Advocate (Crl. side) submits that accused persons were found to be illegal possession of 20.400 kgs of Ganja out of which 10 kgs seized from the petitioner and also final report has been filed.

5. Considering the period of incarceration undergone by the



petitioner and also the contraband seized from the petitioner in intermediate quantity. Further, the final report has been filed. 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 Special District Judge, special Court for Essential commodities Act and NDPS Act cases, 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 alternative days at 10.30 a.m., for a period of three months and thereafter as and when required for interrogation. Further, the petitioner shall deposit a sum of **Rs.10,000/-** to the credit of **Registered Advocate Clerk Welfare**



Association, Chennai. The petitioner is directed to engage the counsel to conduct the case before the Trial Court, if he fails the bail granted by this Court will be cancelled.

[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.

25.04.2024

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T.V.THAMILSELVI,J.

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To

1. The **Special District Judge, special Court for Essential commodities Act and NDPS Act cases, Chennai**
2. The Inspector of Police,
Ambattur PEW Police Station,
Chennai.
3. The Central prison, Chennai.
4. The Public Prosecutor,
High Court of Madras.

CrI.O.P.No.9252 of 2024

25.04.2024