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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2024

CORAM

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

Crl.O.P.No.9532 of 2024

A.Ajith @ Ajay

... Petitioner

Vs.

State Rep by.
The Inspector of Police,
M-4, Redhills Police Station,
Chennai.
Crime No. 874 of 2023.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in the above C.C No. 1002 of 2023
on the file of Special Judge I Additional Special Court under EC and NDPS
Act, at Chennai.

For Petitioner : Mr. K.Kanagaraj
For Respondent : Mr.Meganathan
Government Advocate (Crl. side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on **24.08.2023** for the alleged offences punishable under Sections **8 (c), 20(b)(ii)(C) 29(1) of (NDPS) Act 1985 in crime No. 874 of 2023** on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused were found to be illegal possession of 28.500 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. Further, he submitted that contraband recovered from this petitioner is intermediate quantity. Learned counsel prays to grant anticipatory bail to the petitioner.

4. On the other side, the learned Government Advocate (Crl. side) submits that four accused were found to be illegal possession of 28.500 kgs of Ganja. Further, he stated that final report has been filed in this case and the same was taken on file in C.C No. 1002 of 2023. However, he raised objection to grant bail.



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5. Considering the period of incarceration undergone by the petitioner and the contraband recovered from this petitioner is 4 kgs which is intermediate quantity and also investigation is almost completed. 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 Judge I Additional 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 Saturday at 10.30 a.m., until further order.



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[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.

18.04.2024

pbl

T.V.THAMILSELVI,J.

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To

1. The **Special Judge I Additional Special Court under EC & NDPS Act, Chennai.**

2. The Inspector of Police,
M-4, Redhills Police Station,
Chennai.

3. The Puzhal Jail, Chennai.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.9532 of 2024

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