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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2024

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

Crl.O.P.No.10255 of 2024

Suraj Debbarma

... Petitioner

Vs.

State Rep by.
The Inspector of Police,
PEW Tambaram Unit Police Station.
Crime No. 272 of 2023.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., that the petitioner may be enlarged on bail in C.C No. 75 of 2024 on the file of the Special Judge, II Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai, in crime No. 272 of 2023.

For Petitioner : Mr.K.A.M.Jagadish kumar
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 **11.07.2023** for the alleged offences punishable under Sections **8 (c) r/w 20(b) (ii) (C) and 29(1) of (NDPS) Act 1985 in crime No. 272 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 30 kgs of Ganja. Hence the case.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. Learned counsel prays to grant bail to the petitioner.

4. On the other side, the learned Government Advocate (Crl. side) submits that the accused persons were found to be illegal possession of 21 kgs of Ganja but the contraband was not recovered from this petitioner.

5. Considering the period of incarceration undergone by the petitioner and also the contraband was not recovered from this petitioner.



Further, there is not bad antecedents against the petitioner. 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 II Additional Special Court for Exclusive Trial of Cases under 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 alternative days at 10.30 a.m., for a period of four months and thereafter as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial;



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[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.

30.04.2024

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T.V.THAMILSELVI,J.



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To

1. The II Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai.

2. The Inspector of Police,
PEW Tambaram Unit Police Station.

3. The Central prison - II, Puzhal , Chennai.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.10255 of 2024

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