



Crl.O.P.No.11322 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.05.2024

CORAM

THE HON'BLE MR. JUSTICE C.SARAVANAN

Crl.O.P.No.11322 of 2024

Haresh Kumar

.. Petitioner/A6

Vs.

State represented by,
The Inspector of Police,
V-7, Nolambur Police Station,
Tiruvallur District.
Crime No.278 of 2023

.. Respondent

PRAYER : Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in C.C.No.242 of 2024 pending on
the file of the II Additional Special Court for the exclusive trial of cases
under the NDPS Act, Chennai.

For Petitioner : Ms.R.Madhubala
For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.Side)



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ORDER

The petitioner was arrested and remanded to judicial custody on 22.03.2024 in C.C.No.242 of 2024 pending on the file of the II Additional Special Court for the exclusive trial of cases under the NDPS Act, Chennai, for the offences punishable under Sections 8(c), 20(b)(ii) (B), 22(b), 25, 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985, in connection with Crime No.278 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution the petitioner along with others was found in possession of 2.300 kgs. of ganja and 207 numbers of Nitravet-10 mg. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has been in judicial custody from 22.03.2024 and hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) submitted that the co-accused namely A1 to A5 were arrested and subsequently,



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granted bail and that the petitioner is arrayed as A6. He further submitted that now the trial has commenced.

5. It is seen that the petitioner is a co-accused No.6 in crime No.278 of 2023. Already, the co-accused/A1 to A5 have been granted bail in which, A2, A3 and A5 have been granted bail by this Court by order dated 28.12.2023 in Crl.O.P.No.29003 of 2023 and 10.01.2024 in Crl.O.P.Nos.29082 and 29092 of 2023. It appears that the petitioner along with the co-accused were carrying 2.3 kgs of Ganja and 207 tablets of Nitrovit which are both contraband items under the provisions of the NDPS Act.

6. Considering the fact that already bail has been granted to the co-accused and the trial has also been commenced and the period of incarceration undergone by the petitioner from 22.03.2024, I am inclined to grant bail to the petitioner, subject to the following conditions:

7. 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**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Ambattur**, and on further conditions that:



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[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 daily at 10.30 a.m. until further orders.

[c] the petitioner shall not commit any offences of similar nature.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]***.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

22.05.2024

vsn



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To

1. The II Additional Special Court for the exclusive trial of cases under the NDPS Act, Chennai.
2. The Judicial Magistrate, Ambattur.
3. The Inspector of Police,
V-7, Nolambur Police Station,
Tiruvallur District
4. The Central Prison,
Puzhal- II.
5. The Public Prosecutor,
High Court of Madras



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C.SARAVANAN, J.

vsn

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