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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2024

CORAM

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

CrI.O.P.No.13690 of 2024

S.Midhun

... Petitioner

Vs.

State Rep by.
The Intelligence Officer,
NCB, Central Zone Unit,
Chennai.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in C.C No. 314 of 2023 on the file
of the learned Principal Special Judge for NDPS and EC Act cases at Chennai
pending Trial.

For Petitioner : Mr.C.Chembulingam
For Respondent : N.P.Kumar, Special Public
Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on **03.09.2022** for the alleged offences punishable under Sections **8 (c) r/w 20 (b) (ii) (C), 27A, 28 and 29** of **Narcotic Drugs and Psychotropic Substances Act, 1985** in **CC No. 314 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 in illegal possession of 65.540 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 was not seized from this petitioner and also A4 has been released on bail. Learned counsel prays to grant bail to the petitioner.

4. On the other side, the learned Government Advocate (Crl. side) submits that final report has been filed in this case. However, he raised objection to grant bail.



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5. Considering the fact that the petitioner has been in jail for more than 1 1/2 years and also final report has been filed in this case. Further, the co-accused has been released on bail and the contraband was not recovered from this 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 Principal Special Court under NDPS & EC 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 respondent police daily at 10.30 a.m., until further orders and appear before the Trial Court on every hearings;



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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.

25.06.2024

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T.V.THAMILSELVI,J.



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To

1. The **Principal Special Court under NDPS & EC Act cases, Chennai.**
2. The Intelligence Officer,
NCB, Central Zone Unit,
Chennai.
3. The Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.13690 of 2024

25.06.2024