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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.13592 of 2024

Hayath Basha

... Petitioner

Vs.

State Rep by.
The Inspector of Police,
F-1, Chinthadripet Police Station,
Chennai.
Crime No. 76 of 2024.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in relation to crime No. 76 of 2024
on the file of respondent police.

For Petitioner : Mr. Karthik Lakshmanan AR.
For Respondent : Mr.Meganathan
Government Advocate (CrI. side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on **24.04.2024** for the alleged offences punishable under Sections **8 (c) r/w 22(b) of Narcotic Drugs and Psychotropic Substances Act, 1985 in crime No. 76 of 2024** 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 60 Nitrazepam Tablet. Hence the case.

3. The learned counsel for the petitioner submits that the petitioner is a medical shop owner he has been falsely implicated in this case and he is an innocent person. Further, he submitted that contraband seized from the accused persons 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 there is no previous case pending against the petitioner. However, he raised objection to grant bail.



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5. Considering the period of incarceration undergone by the petitioner and also investigation is almost completed. Further, the contraband seized from the petitioner is intermediate quantity. 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 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 alternative days at 10.30 a.m., for a period of three months. Further, the petitioner shall deposit a sum of Rs. 10,000/- to the credit of registered Tamil Nadu Advocate Clerk's Welfare Association, Chennai, within a period of two weeks from the date of receipt of a copy of this order and



shall file an affidavit before the Trial Court that he will not keep the tablets without permission.

[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 EC & NDPS Act, Chennai.**
2. The Inspector of Police,
F-1, Chinthadripet Police Station,
Chennai.
3. The Puzhal Prison, Chennai.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.13592 of 2024

25.06.2024