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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2024

CORAM

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

Crl.O.P.No.15644 of 2024

Shivakumar

... Petitioner

Vs.

State Rep by.
The Inspector of Police,
N-4, Fishing Harbour Police Station,
Chennai.
Crime No. 74 of 2023.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending trial in C.C No. 446 of
2023 pending on the file of Principal Special judge for NDPS Act, Chennai.

For Petitioner : Mr. Karthik. B
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 **15.03.2023** for the alleged offences punishable under Sections **8 (c) r/w 20(b) (ii) (C),25, 29(1) of (NDPS) Act 1985 in crime No. 74 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 in illegal possession of 21.450 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, the contraband was not recovered from this petitioner. Learned counsel prays to grant bail to the petitioner.

4. On the other side, the learned Government Advocate (Crl. side) submits that accused persons were found to be illegal possession of 21.450 kgs of Ganja. Further, he stated that contraband was not recovered from the petitioner.



5. Considering the period of incarceration undergone by the petitioner and the contraband was not recovered from 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 Principal Sessions judge for NDPS and 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 before the respondent police on every Tuesday and Saturday at 10.30 a.m., for a period of three months.

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

[d] the petitioner shall not tamper with evidence



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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.

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T.V.THAMILSELVI,J.

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To

1. The **Principal Sessions judge for NDPS and EC Act cases Chennai.**

2.The Inspector of Police,
N-4, Fishing Harbour Police Station,
Chennai.

3. The Central prison, Puzhal.

4. The Public Prosecutor,
High Court of Madras.

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