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CRL O.P. No.16517 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.10.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.16517 of 2024

Allah Pitchai S/o. Mohammed Abdhul Kadhar ... Petitioner /Accused

Vs

State rep. by:-

The Intelligence Officer,
Narcotics Control Bureau,
Chennai Zonal Unit, Chennai.

... Respondent

[R.R. No.23 of 2023 in
N.C.B.F. No.48/1/10/2023-NCB/MDS]

PRAYER: - The Criminal Original Petition is filed under Section 439 of the Code of Criminal Procedure, praying to grant bail to the petitioner/Accused in R.R. No.23 of 2023 on the file of the respondent police.

For Petitioner : Mr. Muthu Charan Sundresh

For Respondent : Mr. S. Vinoth Kumar
Government Advocate (Criminal side)

ORDER



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The petitioner/Accused, who was arrested and remanded to judicial custody on 29.07.2023 for the offences punishable under Sections 8(c) r/w 20(b), (ii), (C), 27 and 29 of NDPS Act in R.R. No.23 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the respondent police seized 432.700 kg of brownish-green dry leaves and flowering tops believed to be Ganja in a Tata Truck bearing Registration No.TN31-BD-6347 at Karanodai Toll Plaza, Chennai on 25.07.2023 and the 1st and the 2nd accused were arrested by the respondent police for the illegal transportation of Ganjas. Hence the case.

3. The learned counsel for the petitioner would contend that the respondent police have registered a false case against this petitioner, that this petitioner is not a named accused in the FIR and based on the confession statements of the co-accused, this petitioner has been arrayed as an accused, that no recovery was made from this petitioner, that the entire contra band was recovered from A1 and A2, that the petitioner is in custody from 25.09.2023, that since already a false case has been



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foisted against this petitioner and in that case, the petitioner was released on bail and only because of that case, this petitioner has been arrayed as an accused in this case and hence he prayed to grant bail.

4. The learned Government Advocate (Criminal Side) would submit that A1 and A2 were found in illegal possession of 432.700 kgs of Ganja in a Tata Truck and they were intercepted and arrested on 25.07.2023, that thereafter, based on their confession statements, A3 to A5 were arrested and thereafter, based on the confession statements of the co-accused, this petitioner was summoned by the respondent police and he was also appeared before the investigation officer on 27.07.2023 and during the enquiry, this petitioner admitted his guilt in procuring, possession, attempt to transport, financing and entering into criminal conspiracy for the illicit trafficking of seized contraband in this case and hence the petitioner was arrested and remanded into judicial custody on 28.07.2023, that the quantity involved in this case is a commercial quantity, that only this petitioner has financially aided to the other accused and this petitioner has one previous case. Hence he objected to



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grant bail to the petitioner. However, he admitted that the investigation is already completed.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side, considering the fact that the contraband involved in this case was seized only from A1 and A2 and no contraband was recovered from this petitioner, that only based on the confession statement of the co-accused, this petitioner was arrayed as an accused, that this petitioner has already appeared before the respondent police on summons for enquiry, that investigation is also completed and considering the incarceration period of the petitioner from 29.07.2023, I am inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 **Additional Principal Special Judge for NDPS Act Cases, Chennai** and on further conditions that:

[b] the petitioner shall report before the concerned NDPS



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Court, Chennai on all working days at 10.30 a.m. until further orders.

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[c] the petitioner shall not commit any offence similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

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

[e] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] On breach of any of the aforesaid conditions, the learned Judicial 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].

[g] If the accused thereafter absconds, a fresh FIR can be



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index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
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To

- 1.The Additional Principal Special Judge for NDPS Act Cases, Chennai.
- 2.The Public Prosecutor, Madras High Court, Chennai.
- 3.The Intelligence Officer, Narcotics Control Bureau, Chennai Zonal Unit, Chennai.
4. The Superintendent of Police, Central Prison, Puzhal, Chennai.

P.DHANABAL,J
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