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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2024

CORAM

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

Crl.O.P.No.17080 of 2024

Sanjay @ Ajai

... Petitioner

Vs.

State Rep by.
The Inspector of Police
S7 Madipakkam Police station, Chennai.
Crime No. 39 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in crime No. 39 of 2024 on the file of
the respondent police.

For Petitioner : Mr.T.Elumalai
For Respondent : Mr.V.Meganathan, B.A., B.L.,
Government Advocate (Crl. side)

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 09.02.2024 for the alleged offences punishable under Sections 8 (c) r/w 20 (B)(ii)(B) of NDPS Act in crime No. 39 of 2024 on the file of the respondent, seeks bail.

2. The case of the prosecution is that the respondent police found the petitioner with illegal possession of 2.400 kilograms of Ganja. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and also contraband seized from the petitioner is intermediate quantity. Hence, he prays to allow this petition.

4. On the other side, the learned Government Advocate (Crl. side) submits that there are seven previous cases pending against the petitioner. However, he raised objection to grant bail.

5. Considering the facts of the case, the contraband seized from the petitioner is intermediate quantity and also the investigation is almost completed. Hence, this Court is inclined to grant bail to the petitioner.



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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 Special Court for NDPS and EC 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 daily at 10.30 a.m., for a period of six months. Further, the petitioner shall deposit a sum of **Rs.10,000/- to the credit of Registered Advocate Clerk's Welfare Association, Chennai.**

[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;



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[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 **Special Court for NDPS and EC Act, Chennai,**

2.The Inspector of Police
S7 Madipakkam Police station, Chennai.

3. The Central Jail, Puzhal.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.17080 of 2024

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