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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2024

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

CrI.O.P.No.17837 of 2024

1.Raj kumar
2.Prasanth

... Petitioners

Vs.

State Rep by.
The Inspector of Police
T4 Maduravayal Police Station,
Chennai - 600 093.
Crime No. 311 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in CC No. 481 of 2024 on the file of
the I Additional EC & NDPS Court, Chennai.

For Petitioners : Mr.K.S.Raju
For Respondent : Mr.V.Meganathan, B.A., B.L.,
Government Advocate (Crl. side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 06.04.2024 for the alleged offences punishable under Sections **8 (c) r/w 20(b)(ii)(B), 25, 29(1) of NDPS Act, in crime No. 311 of 2024** on the file of the respondent, seek bail.

2. The case of the prosecution is that the respondent police found the accused persons with illegal possession of 3.750 kgs of Ganja. Hence, the case.

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

4. On the other side, the learned Government Advocate (Crl. side) submits that the first petitioner is having 3 NDPS cases including 5 NDPS cases and also the second petitioner is having 2 previous cases. He raised objection to grant bail.

5. Considering the fact that the first petitioner is having 3 NDPS



cases. Hence, this court is not inclined to grant bail to the first petitioner.

6. In respect of second petitioner, the contraband seized from the second petitioner is intermediate quantity and also the investigation is almost completed. Hence, this Court is inclined to grant bail to the second petitioner.

7. Accordingly, the second 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 blood surety and one local surety)**, each for a like sum to the satisfaction of the **learned Judicial Magistrate II, Poonamallee, 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 second petitioner shall report before the respondent police daily at 10.30 a.m., until further



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order. Further, the second petitioner is directed to deposit a sum of Rs.10,000/- to the credit of the registered Advocate Clerks' Welfare Association, Chennai.

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

[d] the second 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.



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T.V.THAMILSELVI,J.

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To

1. The **Judicial Magistrate II, Poonamallee, Chennai.**

2. The Inspector of Police
T4 Maduravayal Police Station,
Chennai - 600 093.

3. The Central Prison - II, Puzhal, Chennai.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No. 17837 of 2024

01.08.2024