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Crl.O.P.No.19709 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.19709 of 2024

Shafik Basha

... Petitioner

Vs.

State represented by,
Inspector of Police,
PEW Guduvancherry Unit,
Chennai.
(Crime No.210 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleaded to enlarge the petitioner on bail in Crime No. 210 of 2024 on the file
of the Inspector of Police, PEW Guduvancherry Unit, Chennai.

For Petitioner : Mr.D.Manoj Kumar
For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 10.07.2024, for the alleged offences punishable under Sections 8(c) and
20(b)(ii)(B) of NDPS Act in Crime No.210 of 2024, on the file of the
respondent police, seeks bail.



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2. The case of the prosecution is that the petitioner was found in illegal possession of 1.300kgs of ganja. Hence, the case.

3. The Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case, He further submitted that the petitioner was arrested and he is in judicial custody for more than 40 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner was found in illegal possession of 1.300kgs of ganja. He also submitted that the petitioner is having two previous case which are similar in nature and thereby, he strongly opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.



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6. Considering the rival submissions on either side and considering the nature of offences and also considering the fact that the seized contraband is not a commercial quantity and a period of incarceration, I am inclined to grant bail to the petitioner, subject to the following conditions:

7. 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, each for a like sum to the satisfaction of the ***learned Principal Special Judge for NDPS Act, Chennai***, and on further conditions that:-

[a] the petitioner shall report before the Principal Special Judge for NDPS Act, Chennai everyday at 10.30 a.m., for a period of 30 days.

[b] the petitioner shall not commit any offences of similar nature.

[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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

20.08.2024

Vv

To

1.The Principal Special Judge for NDPS Act,
Chennai

2.The Inspector of Police,
PEW Guduvancherry Unit,
Chennai.

3.The Central Prison
Puzhal.

4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

Vv

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