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CRL O.P. No.20565 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.20565 of 2024

Mohammed Yusuf,
S/o.Sheik Farith

... Petitioner

Vs

State rep. by:-

The Inspector of Police,
NIB-CID Vellore Police Station,
Vellore District.
[Cr.No.02 of 2024]

... Respondent

PRAYER: - Criminal Original Petition filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail to the petitioner/Accused in Crime No.02 of 2024 on the file of the respondent police.

For Petitioner : Mr.C.Deepakkumar

For Respondent : Mr. S.Vinoth Kumar
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 18.01.2024 for the offences punishable under sections 8(c) & 20(b)(ii)(C), 29(1) of NDPS Act in Crime No.02 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that based on the secrete information, on 18.01.2024 at about 8.30 a.m., the respondent police rushed to Katpadi Railway station bus stop and they found the petitioner and other accused persons in illegal possession of 22.00 Kg. of ganja in two travel bags. Hence, the complaint.

3. The learned counsel for the petitioner would contend that as per the Mahazar, there is no reference about from whom the particular contraband was recovered. There is no previous case as against the petitioner. In this case, A3 and A4 was arrested and subsequently released on bail. This petitioner has been falsely implicated in this case. This petitioner is an



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innocent person and he has nothing to do with the commission of alleged offences and he is ready to abide by any condition imposed by this Court.

Hence, he seeks bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the respondent police conducted check up at Katpadi railway station bus stop and they found the petitioner and other accused persons in illegal possession of 22.00 Kg. of ganja in two travel bags. This petitioner has arrayed as 1st Accused. There is no previous case as against this petitioner. In this case, totally four accused, A3 and A4 were arrested and subsequently released on bail. This petitioner was arrested and remanded to judicial custody on 18.01.2024. However, he objected to grant bail to the petitioner.

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

6. Considering the rival submissions on either side and considering the fact that as per Mahazar, there is no reference about the specific particulars from whom the contraband was recovered and the A3 and A4



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were arrested and subsequently released on bail and also considering the period of incarceration undergone by the petitioner and no previous case is pending against the petitioner and the condition under section 37 of NDPS Act is also satisfied, this Court is 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 **Judicial Magistrate No.2, Salem** and on further conditions that:

[b] the petitioner shall report before the Special court for EC & NDPS Act cases, Salem on every working day at 10.30.a.m. until further orders;

[c] the petitioner shall attend in accordance with the conditions of the bond;



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[d] 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; and

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

[g] 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].



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[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

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

- 1.The Judicial Magistrate No.2, Salem.
2. The Special Court for EC & NDPS Act cases,
Salem.
3. The Inspector of Police,
NIB-CID, Vellore Police Station,
Vellore District.
4. Central Prison, Salem.
- 5.The Public Prosecutor,
High Court, Madras.



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P.DHANABAL,J
gvn

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