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CRL O.P. No.20559 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

**CRL OP.No.20559 of 2024**

Sekh Mustakim

... Petitioner / Accused-2

Vs

**State rep. by:-**

The Inspector of Police,  
PEW-Guduvanchery Police Station,  
Chengalpet District.

... Respondent

[Cr. No.177 of 2024]

**PRAYER: -** The Criminal Original Petition is filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the Petitioner on bail in Crime No. 177 of 2024 on the respondent police.

For Petitioner : Mr.A.Mohammed Iqbal

For Respondent : Mr.S.Vinoth Kumar  
Government Advocate  
[Criminal side]



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### **ORDER**

The Petitioner, who was arrested and remanded to judicial custody on 09.06.2024 for the offences punishable under Sections 8(c), 20(b)ii(C) and 29(1) of NDPS Act, 1995, in Crime No.177 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that when the respondent police was on a routine checkup, they found the petitioner in possession of 12 kgs of Ganja. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner has not committed any offence as alleged by the prosecution and the petitioner is only a room mate of A1 and no contraband was recovered from this petitioner. He would also submit that there is no previous cases against the petitioner and the petitioner is ready to abide by any stringent condition imposed by this Court. Hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) for the respondent would submit that petitioner along with the other accused were found in possession of 25 kgs of Ganja and from this petitioner, 12 kgs of Ganja was recovered. He would further submit that there is no previous case pending as against the petitioner. However, he opposed to grant bail to the petitioner.

5. Heard both side learned counsel and perused the materials available on record.

6. Considering the representation made by both side learned counsel and considering that there is no previous case pending against the petitioner and also taking into consideration that the contraband recovered from the petitioner is an intermediate quantity and that the number of days of incarceration undergone by the petitioner, 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 **II Judicial Magistrate Court, Chengalpattu**, and on further conditions that:



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**[b] the Petitioner shall report before the NDPS Court, Chennai, everyday at 10.30 a.m., until further orders.**

[c] the Petitioner shall not commit any offences of similar nature.

[d] the Petitioner shall not abscond either during investigation or trial.

[e] the Petitioner shall not tamper with evidence or witness either during investigation or trial.

[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 registered under Section 269 B.N.S.

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To  
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- 1.The II Judicial Magistrate Court, Chengalpattu.
- 2.The Inspector of Police,  
PEW-Guduvanchery Police Station,  
Chengalpet District.
- 3.Central Prison, Chengalpattu.
- 4.The Public Prosecutor, High Court, Madras.



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**P.DHANABAL,J**  
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