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CRL O.P. No.20701 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.20701 of 2024

Shaik Mabasha W/o. Shaik Mastanaiah
Vs

... Petitioner

State rep. by:-

The Inspector of Police,
Prohibition Enforcement Wing-PEW,
Pallikaranai Unit,
Chennai.
[Cr. No.166 of 2024]

... Respondent

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

PETITION FOR BAIL Under Sec.483 of B.N.S.S

PRAYER: - The Criminal Original Petition is filed under Section 483 of the BNSS praying to grant bail to the petitioner in Crime No.166 of 2024 on the file of the respondent police.

ORDER

The petitioner/accused A2, who was arrested and remanded to



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judicial custody on 17.05.2024 for the offence punishable under Sections 8(c), 20(b)(ii)(C), 29(1) of Narcotic Drugs and Psychotropic Substances Act 1985, in Crime No.166 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was arrested and remanded to judicial custody on 17.05.2024, for illegal possession of 2 kgs and 200 grams of Ganja. Hence, the case.

3. The learned counsel for the petitioner would contend that the petitioner is an innocent and a false case has been foisted against her. He would further submit that there is no previous case as against the petitioner and she is no way connected with the said occurrence. Hence, he seeks bail.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner was arrested and remanded to judicial custody on 17.05.2024, for illegal possession of 2 kgs and 200 grams of Ganja. Hence he opposed to grant bail to the petitioner.



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

6. Considering the representation made on either side and considering the fact that there is no previous case against the petitioner and taking into consideration that the quantity of contraband substances is not a commercial quantity and also considering the period of incarceration undergone by the petitioner, I am 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 II, Tambaram**, and on further conditions that:

[b] the petitioner shall report before the NDPS Court, Chennai, on every working day, until further orders.

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



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[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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index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
ssa



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To

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- 1.The Judicial Magistrate - II, Tambaram.
- 2.The Inspector of Police,
Prohibition Enforcement Wing-PEW,
Pallikaranai Unit,
Chennai.
- 3.The Central Prison, Puzhal, Chennai.
- 4.The Government Advocate (Crl.Side), High Court, Madras.



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P.DHANABAL,J.

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