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CRL O.P. No.21868 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.09.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.21868 of 2024

Asik Sherif S/o. Iqbal

... Petitioner / A7

Vs

State rep. by:-

The Inspector of Police,
PEW Coimbatore City Police Station,
Coimbatore.
[Cr. No.417 of 2024]

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail to the petitioner/Accused in Crime No.417 of 2024 on the file of the respondent police.

For Petitioner : Mr. D. Anantha Padmanabhan
For Respondent : Mr. S. Vinoth Kumar
Government Advocate
[Criminal side]

ORDER



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The petitioner/Accused No.7, who was arrested and remanded to judicial custody on 16.07.2024 for the offences punishable under sections 8(c) r/w 20(b),(ii),(B), 22(a), 25 and 29(1) of NDPS Act and Section 123 of the B.N.S. 2023 in Crime No.417 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 16.07.2024, near Ramanathapuram Sungam Bypass, the petitioner was found in possession of 1.230 kg of Ganja without having any valid license or permit. Hence, the complaint.

3. The learned counsel for the petitioner would contend that the petitioner is an innocent and a false case has been foisted against him, that the petitioner was not present at the place of occurrence, that he is in judicial custody for the more than one month. The petitioner is no way connected with the case. Hence, he seeks bail.

4. The learned Additional Public Prosecutor would submit that the petitioner was arrested and remanded to judicial custody on 16.07.2024. There are totally nine accused and the petitioner is arrayed as A7 and the



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accused was found in possession of 5 nos. of Nitrosun Tablets, 1000 numbers of Tapentadol Tablets, 10 numbers of Alprozolam tablets and 1.230 kg of Ganja without having any valid license. Hence he objected to grant bail to the petitioner. He further submitted that the petitioner has no previous case.

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

6. Considering the rival submissions on either side and considering the nature of offences, considering the fact that contraband seized from the petitioner is not a commercial quantity and that there is no previous case pending against the petitioner and also considering the period of incarceration underwent 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 **EC and NDPS Court, Coimbatore** and on further conditions that:



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[b] the petitioner shall report before the jurisdictional Magistrate i.e., The Additional District Judge, Special Court for cases under EC and NDPS Act, Coimbatore daily at 10.30 A.M. until further orders.

[c] 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;

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

[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 them from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] On breach of any of the aforesaid conditions, the learned



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Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 229A IPC.

06.09.2024

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
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P.DHANABAL,J
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TO

1.The Additional District Judge, Special Court for cases under EC and NDPS Act, Coimbatore

2.The Inspector of Police,
PEW Coimbatore City Police Station,
Coimbatore.

3. The Superintendent,
Central Prison,

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4.The Public Prosecutor, Madras High Court, Chennai.

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