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Crl.O.P.No.22390 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.22390 of 2024

Hariharan

...Petitioner

Vs.

The State rep by
Inspector of Police
T9 Pattabiram Police Station,
Thiruvallur District.
(Crime No.461 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioner on bail in Crime No. 461 of 2024 on the file of the Respondent Police.

For Petitioner : Mr.S. Thirugnanam

For Respondent : Mrs.G.V. Kasthuri
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.07.2024 for the offences under Sections 8(c) r/w 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, in Crime No.461 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is in possession of 1.150 kgs of Ganja. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He would further submitted that the petitioner has been in custody since 21.03.2024 ; that he is a law-abiding citizen; that he is ready to furnish substantial sureties for his due release on bail; and therefore, he prays for the grant of bail to the petitioner.

4. Learned Additional Public Prosecutor opposes the grant of bail



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to the petitioner by stating that the petitioner is in possession of 1.150 kgs of Ganja and there are one previous cases pending against the petitioner.

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

6. Considering the representation made on both sides and the quantity of material involved in this case, the petitioner has one previous cases, in that case bail was granted to the petitioner and also taking into consideration the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain 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 Judicial Magistrate No – II, Thiruvallur* and on further conditions that:

[a] the petitioner shall report before the Principal



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Special Court under EC & NDPS Act, Chennai-104 , on all working days at 10.30 a.m., until further orders, without fail.

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

[c] the Petitioner shall not commit any offences of 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, 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;

[e] the Petitioner shall not abscond 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]; and

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



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To

1.The ***Judicial Magistrate No – II, Thiruvallur***

2. Inspector of Police
T9 Pattabiram Police Station,
Thiruvallur District.

3.The Superintendent of Prison,
Central Prison, Puzhal, Chennai

4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

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