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CRL O.P. No.23629 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.10.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.23629 of 2024

K. Sathik S/o. Khader ... Petitioner /4th Accused
Vs

Union of India,
through Intelligence Officer,
Narcotics Control Bureau,
Chennai Zonal Unit.

[R.R. No.21 of 2022] Respondent / Complainant.

PRAYER: - The Criminal Original Petition is filed under Section 482 of
B.N.S.S., praying to grant bail to the petitioner/Accused in R.R. No.21 of
2022 on the file of the respondent.

For Petitioner : Mr. I. Abdul Basith

For Respondent : Mr.N.P. Kumar
Special Public Prosecutor
for NCB Cases.

ORDER

The petitioner / 4th Accused, who was arrested and remanded to
judicial custody on 15.07.2023 for the offences punishable under
Sections 8(c) r/w 22(c), 23(c), 24, 28 & 29 of NDPS Act in R.R. No.21



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of 2022 on the file of the respondent seeks bail.

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2. The case of the prosecution is that based on secret information, the officers of Narcotics Control Bureau, Chennai Zonal unit, seized 1 kg of Amphetamine substance near Tambaram Bus stand, opposite to the Tambaram Railway Station, Chennai from the accused and further 900 gms were seized while searching the house of A5. Hence the case.

3. The learned counsel for the petitioner would contend that this petitioner has been falsely implicated in this case for the offences under Sections 8(c) r/w 22(c), 23(c), 24, 28 & 29 of NDPS Act and he was arrested and remanded to judicial custody on 15.07.2023. As per the prosecution case, they have seized 1 kg of Amphetamine substance outside the Tambaram Bus Stand, opposite to the Tambaram Railway Station and 900 gms were seized during the search of the house of A5 and hence the respondent police have filed charge sheet on 08.03.2024 and the Principal Special Court under EC and NDPS Act has taken cognizance on 19.03.2024. In fact, this petitioner was wrongly roped into the present case, only based on the confession statement of the co-



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accused and no any contraband was recovered from this petitioner and this petitioner has no any previous case pending against the petitioner and hence, he prayed that the petitioner may be released on bail.

4. The learned Government Advocate (Criminal Side) would submit that the quantity of contraband involved in this case is a commercial quantity and based on the confession statement of the co-accused, the petitioner was summoned for enquiry and at that time, the petitioner also admitted his involvement in the commission of offence . The petitioner has procured the seized contraband for the accused Rilwan for transporting to Srilanka and this petitioner has played a significant role of connecting the purchaser and seller, organizing the team in procuring, sale, purchase and transporting of contraband and conspiracy for the illicit trafficking. Based on the confession statements, material objects were seized and already investigation was completed and the quantity of materials involved in this case is commercial quantity and the case is now posted for trial and hence he strongly opposed to grant bail to the petitioner.



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

6. Considering the rival submissions on either side, considering the fact that this petitioner was arrested only based on the confession statement of the co-accused and no contraband was recovered from this petitioner and entire contraband was recovered from A1 and A2 and this petitioner already appeared before the respondent police for enquiry and he has no previous case pending against him and also considering the period of incarceration of 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 **Principal Special Court for EC & NDPS Cases, Chennai** and on further conditions that:

[b] the petitioner shall report before the concerned NDPS



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Court on all working days at 10.30 a.m. until further orders.

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[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 him 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 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



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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.

19.10.2024

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

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To

- 1.The Principal Special Court for EC & NDPS Cases, Chennai
- 2.The Public Prosecutor, Madras High Court, Chennai.
- 3.The Intelligence Officer, Narcotics Control Bureau, Chennai Zonal Unit.
4. The Superintendent of Police, Central Prison-II, Puzhal, Chennai.



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