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CRL O.P. No.23642 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.09.2024

CORAM

The Hon`ble Mr.Justice P.DHANABAL

CRL OP.No.23642 of 2024

Rajesh Kumar @ Pulsar Rajesh

.... Petitioner

Vs.

State, represented by
The Inspector of Police,
E-5, Sholavaram Police Station,
Thiruvallur District.

... 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. 151 of 2024 on the file of the respondent police.

For Petitioner : Mr.P.Chandrakumar

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



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ORDER

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The petitioner/accused, who was arrested and remanded to judicial custody on 23.08.2024 for the offence punishable under Section 8(c), 20(b)(ii)(B), 29(1) of NDPS Act in Crime No.151 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in possession of 2.500 Kgs of Ganja, without any valid license or permit. Hence, the case.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. The petitioner has been falsely implicated in this case. However, on instructions, the learned counsel further submits that the petitioner is ready and willing to abide by any conditions that may be imposed by this Court and he prays to grant anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) would submit that the petitioner was found in possession of 2.500 kgs of Ganja, without any valid license or permit and further, considering the gravity of offence, he opposed for grant of anticipatory bail to the petitioner.

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

6. Considering the representations made by both sides and nature of offences charged against the petitioner and also considering the contraband involved in this case is not a commercial quantity and though the petitioner is having some previous case and those are not a similar kind of cases and in all cases, the petitioner was already released on bail 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:



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[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 **Judicial Magistrate No. II, Ponneri** and on further conditions that:

[b] the petitioner shall report before the learned Principal Special Judge, Principal Special Court under EC & NDPS Act, Chennai on every working day at 10.30 A.M. until further orders.

[c] the petitioner shall attend in accordance with the conditions of the bond.

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

[e] 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.

[f] 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.



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[g] 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].

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

26.09.2024

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
nsl



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P.DHANABAL,J

ns1

To

1. The Judicial Magistrate No. II, Ponneri.
2. The Inspector of Police,
E-5, Sholavaram Police Station,
Thiruvallur District.
3. Central Prison, Puzhal.
4. The Government Advocate (Crl.Side), High Court, Madras.

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