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Crl.O.P.No.25173 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.25173 of 2024

1. Vijay @ Kabali

2. Sathish Kumar

...Petitioner/Accused Nos. 1 & 2

Vs.

The State rep by
Inspector of Police,
T-14, Pallikaranai Police Station,
Tambaram City.

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, 2023, praying to enlarge the petitioners on bail in C.C.No.734 of 2024 on the file of the learned Special Judge, I Additional Special Court for Exclusive Trial of Cases under NDPS Act at Chennai.

For Petitioners : Mr.D.Manoj Kumar

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 02.07.2024 for the offences under Sections 8(c), read with 20(b)(II)(B), 29(1) of NDPS Act in C.C.No.734 of 2024 in Crime No.397 of 2024 on the file of the learned Special Judge, I Additional Special Court for Exclusive Trial of Cases under NDPS Act at Chennai, seek bail.

2. The case of the prosecution is that the petitioners along with co-accused were found in possession of 1.700 Kgs of Ganja. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution, and they have been falsely implicated in this case. He further submitted that the petitioners are law-abiding citizens and they are ready to furnish substantial sureties for their due release on bail; therefore, he prays for the grant of bail to the petitioners.



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4. Learned Government Advocate (Crl.Side) submitted that the petitioners and other accused were found in possession of 1.700 kgs of Ganja. He would further submit that, investigation has been completed and final report has also been filed. He would submit that there are six previous cases as against A1 and 14 previous cases as against A2. The previous cases are IPC offence and not NDPS offence. Hence, he vehemently opposed for grant of bail to the petitioners.

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

6. Considering the submissions made on both sides and the quantity of contraband involved in this case is not a commercial quantity and already investigation has been completed, though the petitioners are having some previous cases in the nature of IPC offence and not similar kind of offence, this Court is inclined to grant bail to the petitioners with certain conditions:

[a]. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) each** with two sureties, each for a like sum to the



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satisfaction of the learned *I Additional Special Judge for NDPS Act, Chennai*, and on further conditions that:

[b] the petitioners shall report before the respondent police, daily at 10.30 a.m., until further orders;

[c] The petitioners shall attend in accordance with the conditions of the bond;

[d] The petitioners 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;

[e] The petitioners shall not abscond either during investigation or trial;

[f] the petitioners 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 evidence;

[g] on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the



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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]; and

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of the BNS.

14.10.2024

smv

To

1. The I Additional Special Judge for NDPS Act, Chennai.
2. Central Prison, Puzhal.
3. Inspector of Police,
T-14, Pallikaranai Police Station,
Tambaram City.
4. The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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