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CrI.O.P.No.25660 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

CrI.O.P.No.25660 of 2024

Faizal ahmed

... Petitioner

Vs.

State represented by,
The Intelligence Officer,
Union of India NCB,
Chennai Zonal Unit,
Chennai.
(R.R.No.25 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleaded to enlarge the petitioner on bail pending trial in C.C.No.343 of 2023
on the file of the Principle Special Judge EC & NDPS Act, Chennai.

For Petitioner : Mr.M.G.Martinmanivannan

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

ORDER

The Petitioner, who was arrested and remanded to judicial custody



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on 24.04.2022, for the alleged offences punishable under Sections 8(c) r/w 22(c), 23(c), 28 and 29 of NDPS Act, 1985, in R.R.No.25 of 2022 in connection with C.C.No.343 of 2023 on the file of the Principal Special Judge EC & NDPS Act, Chennai, on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner along with other accused was found in illegal transportation of 184 grams of Methamphetamine at Chennai Airport and the same was seized by the respondent police. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the respondent police has registered a case against the petitioner for the offence under Section 8(c) r/w 22(c), 23(c), 28 and 29 of NDPS Act, 1985, in R.R.No.25 of 2022 and the petitioner was arrested and remanded to judicial custody on 24.02.2022. He further submits that the petitioner has been falsely implicated based on the confession of the co-accused, and he has not committed any and he has been falsely implicated in this case. He further submits that the petitioner is innocent and he had not booked a travel at Chennai for A1, who alleged to be found in possession of 184 grams of



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Methamphetamine at Chennai Airport. He further submits that the earlier petition was filed by this petitioner was dismissed on the ground that investigation is pending and now the investigation was completed and the charge sheet was also filed. He further submits that no contraband was recovered from this petitioner. The only allegation against the petitioner is that he aided financially to A1. Therefore, he prayed to grant bail to the petitioner.

4. The learned Special Public Prosecutor for NCB cases, appearing for the respondent police submitted that the petitioner along with other accused have involved in possession of 184 grams of Methamphetamine. He further submits that A1 was in possession of 184 grams of Methamphetamine at Chennai Airport and based on the confession statement of A1 other accused A2 to A5 were arrested. He further submits that this petitioner was deeply involved in the business transactions with his associates in this case. He further submits that this petitioner only financially aided to other accused persons. Hence, he opposed to grant bail to the petitioner.

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



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including the First Information Report.

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6. Considering the representation made by both side counsel, and this petitioner was arrayed as an accused only based on the confession of the co-accused, and no contraband was recovered from this petitioner and the petitioner has no previous case pending against him, co-accused was also released on bail, investigation was completed and the charge sheet was also filed, and also considering the period of incarceration undergone by the petitioner from 24.04.2022, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to 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 XVI Metropolitan Magistrate, George Town, Chennai, and on further conditions that:-

[a] the petitioner shall report before the concerned NDPS Court, on all working days at 10.30 a.m., until further orders.

[b] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of



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which he is suspected;

[c] 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;

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

[e] 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

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

23.10.2024

drl

P.DHANABAL, J.



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drl

To

- 1.The XVI Metropolitan Magistrate Court,
George Town, Chennai.
- 2.The Intelligence Officer,
Union of India NCB,
Chennai Zonal Unit,
Chennai.
- 3.The Superintendent,
Central Prison, Puzhal-I, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

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