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Crl.O.P.No.25774 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.No.25774 of 2024

Vishnu Prasad

...Petitioner/A4

Vs.

State Represented by
The Inspector of Police,
K-2 Aiyanavaram Police Station,
Chennai – 600 023.
(Crime No.243 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.243 of 2024 on the file of respondent police.

For Petitioner : Ms.A.D.Jothipriya

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



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ORDER

The petitioner/A4, who was arrested and remanded to judicial custody on 13.09.2024 for the offences under Sections 8(c), r/w 20(b)(ii)(B) of the NDPS Act, in Crime No.243 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner, along with other accused, were found in illegal possession of 1.100 kg of Ganja. Hence the complaint.

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. She also submitted that no contraband was recovered from the petitioner. She further submitted that the petitioner has been in custody since 13.09.2024; that he is a law-abiding citizen; that he is ready to furnish substantial sureties for his due release on bail; and therefore, she prayed for the grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) for the respondent police submitted that there are six accused in this case; that the petitioner is arrayed as A4; that the petitioner, along with other accused, were found in illegal possession of 1.100 kg of Ganja. He further submitted that there are two previous cases pending against the petitioner, which are IPC offences. Hence, he strongly opposed the grant of bail to the petitioner.

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

6. Considering the representation made by both sides, the nature of offences, the quantity of the contraband involved in this case is not a commercial quantity, that no contraband was recovered from the petitioner, that though the petitioner has two IPC cases, in those cases already he was granted bail and also considering the incarceration period undergone by the petitioner from 13.09.2024, this Court is inclined to grant bail to the petitioner with certain conditions:



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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 ***Principal Special Court under EC & NDPS Act at Chennai***, and on further conditions that:

[a] the petitioner shall report before the Principal Special Court under EC and NDPS Act, Chennai – 104 on all working days at 10.30 a.m. until further orders;

[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



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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 of the B.N.S.

19.10.2024

dk

To

- 1.The Principal Special Court under EC & NDPS Act,
Chennai.
- 2.The Superintendent of Prison,
Central Prison -II, Puzhal.
- 3.The Inspector of Police,
K-2 Aiyanavaram Police Station,
Chennai – 600 023.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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