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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2024

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.27009 of 2024

Ramkumar

... Petitioner

Vs.

State Rep by.
The Inspector of Police
Prohibition Enforcement Wing,
Ponnamallee,
Chennai District.
Crime No. 353 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail in CC No. 81 of 2024 on the
file of the II Additional Special EC & NDPS Court, Chennai.

For Petitioner : Mr.S.Kasirajan
For Respondent : Mr.V.Meganathan, B.A., B.L.,
Government Advocate (Crl. side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on **03.08.2023** for the alleged offences punishable under Sections **8 (c) , 22 (c) , 28, 29(i) of NDPS Act, in crime No. 353 of 2023** on the file of the respondent, seeks bail.

2. The case of the prosecution is that on 03.08.2023, at about 03.30 p.m., the respondent police checked the two person standing nearby the Veppampattu Railway Station and found 30 kgs of Ketamine. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and also the contraband was not seized from the petitioner. Further, he stated that for more than 8 months the petitioner is in custody. Hence, he prays to allow this petition.

4. On the other side, the learned Government Advocate (Crl. side) submits that totally three accused involved in this case, of which, two accused were remanded to judicial custody and A2 is still absconding. Further, he stated that 30 kgs of ketamine recovered from A1 and this



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petitioner travelled with A1 to Bengaluru from Nagapattinam by bus and from there went to Delhi via Mumbai for purchasing the contraband and recovered tickets and cellphone from this petitioner. Further, he stated that split charge sheet is going to be filed. Hence, raised objection to grant bail.

5. Considering the facts and circumstances of the case and also the petitioner is in custody for more than 8 months. Further, the contraband was not recovered from this petitioner, tickets and phone alone recovered and there is no previous case pending against the petitioner. Hence, this Court is inclined to grant bail to the petitioner.

6. 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 (one must be a blood surety)**, each for a like sum to the satisfaction of the **learned II Additional Principal Special Court for Exclusive Trial of Cases under NDPS Act, Chennai**, and on further conditions that:



[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of three months. Further, the petitioner shall deposit a sum of Rs.10,000/- to the credit of the Registered Advocate Clerk Welfare Association, Chennai.

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned 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]**;



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[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

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T.V.THAMILSELVI,J.

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To

1. The **II Additional Principal Special Court for Exclusive Trial of Cases under NDPS Act, Chennai.**

2. The Inspector of Police
Prohibition Enforcement Wing,
Ponnamallee,
Chennai District.

3. The Central Prison, Puzhal.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No. 27009 of 2024

07.11.2024