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CRL O.P. No.27568 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.11.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.27568 of 2024

Vasu S/o. Gopal

... Petitioner / Accused-1

Vs

State rep. by:-

The Inspector of Police,
F2 Egmore Police Station,
Chennai. ... Respondent

[Cr. No.244 of 2024]

PRAYER: - The Criminal Original Petition is filed under Section 483 of B.N.S.S., praying to grant bail to the petitioner/Accused in Cr. No.244 of 2024 on the file of the respondent police.

For Petitioner : Mr. P. Thompson

For Respondent : Mr.S. Balaji
Government Advocate [Criminal side]

ORDER

The petitioner / Accused, who was arrested and remanded to judicial custody on 08.08.2024 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C), 29(1) of NDPS Act in Cr. No.244 of 2024



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on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that the petitioner along with other accused were found in illegal possession of 22.570 kgs of Ganja.

Hence the case.

3. The learned counsel for the petitioner would contend that the petitioner has been falsely implicated in this case, that he was arrested and remanded to judicial custody on 08.08.2024 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C), 29(1) of NDPS Act. In fact, the petitioner was found in possession of only 8.470 kgs, which is not under commercial quantity as alleged by the prosecution, that he is an innocent and he is ready to abide by any condition imposed by this Court. Hence, he prayed that the petitioner may be released on bail.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner along with other accused were found in illegal possession of 22.570 kgs of Ganja and the petitioner possessed 8.470 kgs of Ganja and he has three previous cases pending against him and hence



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he strongly opposed to grant bail to the petitioner. However, he admitted that co-accused were released on bail and in all the previous cases, the petitioner was granted bail.

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

6. Considering the rival submissions on either side, considering the nature of offences and considering the fact that the contraband recovered from this petitioner is not a commercial quantity and though the petitioner has 3 previous cases pending against him, in all those cases, he was granted bail and all the cases are pending for trial, already co-accused A2 and A3 were released on bail and considering the period of incarceration of the petitioner from 08.08.2024, I am inclined to grant bail to the petitioner subject to the following conditions:

[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



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of the **XIV Metropolitan Magistrate Court, Egmore, Chennai** and on

further conditions that:

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

[c] 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;

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

[e] 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;

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action



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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].

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

13.11.2024

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
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P.DHANABAL,J

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To

1. The XIV Metropolitan Magistrate Court, Egmore, Chennai
2. The Public Prosecutor, Madras High Court, Chennai.
3. The Inspector of Police, F2 Egmore Police Station, Chennai.
4. The Superintendent of Police, Central Prison, Puzhal, Chennai.



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