



Crl.O.P.No.26929 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2024

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.O.P.No.26929 of 2023

Mohammed Thameem S/o. Abu Thahir

...Petitioner/Accused-1

Vs.

State represented by
The Intelligence Officer,
Narcotic Central Bureau,
Madurai.

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in NCB
F.No.48/1/3/2022/NCB/MDU on the file of the respondent police.

For Petitioner : Mr.S.N.Amarnath

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.06.2023 for the offences punishable under Section 9(a) r/w 25-A, 28 and 29 of NDPS Act, in Crime No.NCB F.No.48/1/3/2022/NCB/MDU, seeks bail.

2.The case of the prosecution is that the petitioner was actually involved in smuggling of 2.930 Kgs of Ephedrine by courier. The said courier was booked by one Thiagarajan at Theni and the consignment was booked though DTDC courier to reach Nagarcoil.

3.It is the case of the respondent that the entire address given was false and though the parcel had been intercepted, the present petitioner or other accused could not be secured. They were secured in another case and during the investigation on that particular case, it was found that the petitioner was the accused also in the present crime number. The seized product could be termed only as controlled substances.

4.It is also stated that the investigation has been completed and final report had also been filed before the jurisdictional Court. The final



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report had also been taken cognizance by the Special Court for Essential Commodities Act, Coimbatore in C.C.No.75 of 2023. The bail petition of A2 had come up for consideration before this Court in Crl.O.P.No.25291 of 2023 and by an order dated 20.11.2023, bail had been granted.

5.Taking all the factors into consideration and the period of incarceration suffered by the petitioner and also that the seized product as controlled substances, I am inclined to grant bail to the petitioner subject to the following conditions:

6.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 of the learned Special Court, Coimbatore, 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 appear before the trial Court everyday at 10.30 a.m., apart from the Court hearing dates, till completion of the trial.



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[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].

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

03.01.2024

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To

1. The Special Court for Essential Commodities Act, Coimbatore.
2. The Central Prison, Puzhal, Chennai.
3. The Intelligence Officer,
Narcotic Central Bureau,
Madurai.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.

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