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Crl.O.P.No.28524 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 14.11.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.28524 of 2024

Aadil Basha

S/o of Daulath Basha

... Petitioner

Vs.

State Represented by

The Inspector of Police

E-5 Foreshore Estate Police Station

(Crime No.181 of 2024)

... Respondent

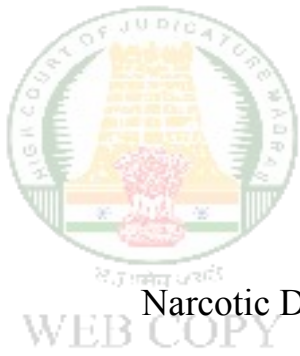
PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail, in Crime No.181 of 2024, pending on the file of the respondent Police.

For Petitioner : Mr.A.Samson

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 01.09.2024, seeking bail in Crime No.181 of 2024 registered for the offence under Section 8(c), 22(c) of



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Narcotic Drugs and Psychotropic Substances Act.

2.The case of the prosecution is that on 31.08.2024, the petitioner was found in illegal possession of 2000 tablets of Tapentadol Tydoal (800 gram) and 15 tablets of Nitrazepam (Nitravet) (12 grams). Hence, the case.

3.Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person. He also submitted that the alleged contraband said to have been recovered from the petitioner consists of 2000 tablets of Tapentadol Tydoal (800 grams), are not scheduled substances and as far as other tablets viz., 15 tablets of Nitrazepam (Nitravet) (12 grams) is concerned, it is only intermediate quantity. He further submitted that the petitioner is in custody from 01.09.2024 and he is also ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4.Learned Government Advocate (CrI. Side) appearing for the respondent police while opposing the grant of bail to the petitioner submitted that the petitioner was found in illegal possession of 2000 tablets of Tapentadol Tydoal (800 gram) and 15 tablets of Nitrazepam (Nitravet) (12 grams). He also



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submitted that there are four previous cases pending against the petitioner and out of which two cases are under NDPS Act.

5.At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice to their defense and contention, is ready and willing to deposit an amount of Rs.10,000/- as non-refundable deposit to any welfare scheme of the Government or any other organization. Hence, he prayed for grant of bail to the petitioner.

6.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (CrI.Side) for the respondent Police and perused the materials available on record.

7.On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) as non refundable deposit to "The District Legal Services Authority, Chennai", without prejudice to his rights and contentions before the trial Court.



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8. Merely because the petitioner deposit the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

9. Taking into consideration the above facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

10. Accordingly, the petitioner is ordered to be released on bail on condition to make a non-refundable deposit of **Rs.10,000/- (Rupees Ten Thousand Only)** , to the credit of “**District Legal Services Authority, Chennai**”, without prejudice to his rights and contentions before the trial Court and on such deposit and production of proof, the petitioner is ordered to be released on bail on his executing a separate bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Principal Sessions Judge (EC and NDPS Court), Chennai**, and on further conditions that:

[a] the sureties shall affix their photographs and Left



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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, everyday at 06.30 p.m., until further orders;

[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 269 B.N.S.

14.11.2024

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A.D.JAGADISH CHANDIRA, J.
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To

- 1.The Principal Sessions Judge (EC and NDPS Court),
Chennai
- 2.The Inspector of Police
E-5 Foreshore Estate Police Station
Chennai
- 3.The Central Prison,
Puzhal-II, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

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Dated: 14.11.2024