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CrI.O.P.No.29056 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

CrI.O.P.No.29056 of 2024

Thamimul Ansari @ Asar @ Asarudeen

... Petitioner

Vs.

State represented by,
The Station House Officer,
Mudaliarpet Police Station Puducherry
Through Special Public Prosecutor Puducherry.
(Crime No. 212 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS,
pleased to enlarge the petitioner on bail, in Crime No.212 of 2023 on the file
of the respondent Police.

For Petitioner : Mr.I.Gunaseelan

For Respondent : Mr.K.S.Mohandoss,
Public Prosecutor, Puducherry

ORDER

The Petitioner, who was arrested and remanded to judicial custody
on 26.11.2023, for the alleged offences punishable under Sections



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20(b)(ii)(C) of NDPS Act, 1985 in Crime No.212 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on receipt of the secret information about illegal sale of Ganja, the respondent and his team went to the Mudaliyarpet Puducherry, wherein, they found that the accused were in illegal possession of 45.100 kilograms of Ganja. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the co-accused/A4 and A5 have been released on bail by the Hon'ble Supreme Court and the co-accused/A2 has been released on bail by this Court. He also submitted that investigation in this case has been completed and the case has also been committed in Spl.SC.No.6 of 2024 on the file of the learned III Additional District Judge, Puducherry. He also submitted the petitioner is in custody from 26.11.2023, hence, he prayed for grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police opposed for granting bail to the petitioner stating that the petitioner along with other accused was found to be in illegal possession of 45.100 kilograms of Ganja. He further submitted that A1 is still absconding. He also submitted that the case has been taken up on the file of the learned III Additional District Judge, Puducherry in Spl.S.C.No.6 of 2024 and the case now stands posted on 10.12.2024 for examination of LW.1. He further submitted that the petitioner has no previous case pending against him. Hence, he prayed for dismissal of the petition.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the representation made by both side counsel, the Hon'ble Supreme Court granted bail to the co-accused, and this Court, also based on the order of the Hon'ble Supreme Court granted bail to the co-accused who were arrested along with the petitioner on the same day, i.e, on 26.11.2023, no previous case pending against him, investigation was completed and the charge sheet was also filed and now the case is



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posted for examination of witnesses and already the prime accused in this case has not been secured, and considering the period of incarceration undergone by the petitioner, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

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 learned III Additional District Judge, Puducherry, and on further conditions that:-

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

[b] 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;

[c] 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;

[d] the Petitioner shall not abscond either during investigation or



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trial;

[e] On breach of any of the aforesaid 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

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

27.11.2024

drl

To

- 1.The III Additional District Judge,
Puducherry.
- 2.The Station House Officer,
Mudaliarpur Police Station Puducherry
Through Special Public Prosecutor Puducherry.
- 3.The Superintendent,
Central Prison, Kalapet, Puducherry.
- 4.The Public Prosecutor,
Puducherry.

P.DHANABAL, J.



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