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Crl.O.P.No. 29111 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2024

CORAM

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

Crl.O.P.No. 29111 of 2024

Mohammed Abdul Hakkim

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Kavundampalayam Police Station,
Coimbatore District.
(Crime No. 216 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime
No. 216 of 2024 pending investigation on the file of the respondent Police,
Coimbatore District.

For Petitioner : Mr.A. Saranraj

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

ORDER

Petition seeking bail in respect of Crime No.216 of 2024 registered



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for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C), 25 and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 is on board for consideration.

2.The incarceration of the petitioner being from 16.06.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that even as per the prosecution, at the place of occurrence 2 kgs of ganja only said to be recovered from the petitioner, which is not the commercial quantity. He also submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court.

3.The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that on receipt of secret information, the respondent Police went to the scene of occurrence (i.e.,) Coimbatore Thadagam Road, TVS Nagar, near Maruthi Suzuki Show room and found that the petitioner along with two other accused in unlawful possession of 8 Kgs of ganja (A1-4 kgs, A2-2 kgs and A3-2 kgs). Based on their confession statement, the respondent had conducted search in their houses and seized



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12 kgs of ganja from their houses (A1-8 kgs, A2-2 kgs and A3-2 kgs). He further submits that the petitioner has no previous case against him.

4.Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and considering the fact that total recovery made from the petitioner is 4 kgs and the petitioner has satisfied the twin conditions as contemplated under Section 37 of NDPS Act, this court is inclined to grant bail to the petitioner with certain conditions and accordingly, the petitioner is ordered to be released on bail on his executing a 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 Judicial Magistrate No.I, 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 report before the respondent Police, everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either



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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 of B.N.S.

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To
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1. The Judicial Magistrate No.I,
Coimbatore.
2. The Inspector of Police,
Kavundampalayam Police Station,
Coimbatore District.
3. The Superintendent,
Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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