



CrI.O.P.No.28040 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2024

CORAM

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

CrI.O.P.No.28040 of 2023

1.Bothumani

W/o. Raja

2.Aravinth

S/o. Thirumoorthi

... Petitioners / A1 and A2

Vs.

State represented by
The Inspector of Police,
NIB CID Police Station,
Vellore,
Tamil Nadu.
(Crime No.33 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioners on bail in Crime No.33 2023 on the file of
the respondent.



Crl.O.P.No.28040 of 2023

For Petitioners : Mr. S. Kasirajan

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

ORDER

The petitioners, who were arrested and remanded to judicial custody on 02.11.2023, registered for the offences under Sections 8(c) r/w Section 20(b)(ii)(B) and 29(1) of NDPS Act in Crime No.33 of 2023 on the file of the respondent Police, seek bail.

2. It is stated that the petitioners were found in possession of 16.20 Kgs of Ganja, which is an intermittent quantity and which had been seized. It is stated that investigation has been completed and FSL report alone is awaited.

3.Taking all these factors into consideration and the period of incarceration suffered by the petitioners and also the fact that the contraband seized is an intermittent quantity, I am inclined to grant bail to the petitioners subject to the following conditions:



Crl.O.P.No.28040 of 2023

WEB COPY

4. Accordingly, the petitioners are ordered to be released on bail on condition to execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the Special Court For EC and NDPS Court, Salem 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 petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].



CrI.O.P.No.28040 of 2023

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

09.01.2024

smv

To

- 1.The Special Court for EC and NDPS Court, Salem.
- 2.The Inspector of Police,
NIB CID Police Station,
Vellore,
Tamil Nadu.
- 3.The Central Prison, Vellore. (1st Petitioner)
- 4.The Central Prison, Salem. (2nd petitioner)
5. The Public Prosecutor,
High Court of Madras.



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CrI.O.P.No.28040 of 2023

C.V.KARTHIKEYAN, J.

smv

CrI.O.P.No.28040 of 2023

09.01.2024