



CRL OP(MD). No.1452 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.1452 of 2024

Karuppanan

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
NIBCID Ramnad Police Station,
Ramanathapuram District.
Crime No.9 of 2023.

... Respondent/ Complainant

For Petitioner : Mr.J.Jeyakumaran, Advocate.
For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.9 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 01.10.2023 for the offence punishable under Section 8(c), 22(c) and 25 of NDPS Act, 1985, in Crime No.09 of 2023 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused



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were found in illegal possession of 860 grams of Methamphetamine. Hence, the case.

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3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Further, the respondent Police sent samples to the forensic examination and report received by the Special Court for EC & NDPS Act Cases, Pudukkottai, that the said substances are free from drug and it is detected as sodium glutamate is commonly known as ajinomoto. Further, the petitioner is in judicial custody since 01.10.2023. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that though the first opinion reflects that it is ajinomoto, the samples were sent for second opinion to Bangalore. Hence, he vehemently objected to grant bail to the petitioner.

5.Heard. Perused the materials available on record including the First Information Report.

6.Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner and the expert opinion reflects that it is not a contraband, it is only ajinomoto, this Court is inclined to grant bail to the petitioner with certain conditions.

7.Accordingly, this Criminal Original Petition is ordered and the petitioner is



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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 Additional District and Sessions Judge/Presiding Officer, Special Court for E.C & NDPS Act Cases, Pudukkottai, 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 is directed to appear before the respondent police daily at 10.30 a.m., until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) after the seizure procedure is over, the concerned Magistrate and the respondent Police are directed to comply with the guidelines enumerated under section 52(A) of NDPS Act and as per the guidelines issued by the Hon'ble Supreme Court of India in the case of *Union of India Vs. Mohanlal and Another ((2016) 3 SCC 379)*.

(f) 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



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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;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
14/02/2024

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19/02/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Indu

TO

- 1.THE ADDITIONAL DISTRICT AND SESSIONS JUDGE/PRESIDING OFFICER,
SPECIAL COURT FOR E.C & NDPS ACT CASES,
PUDUKKOTTAI.
- 2.THE OFFICER IN CHARGE,
DISTRICT JAIL, PUDUKKOTTAI DISTRICT
- 3.THE INSPECTOR OF POLICE,
NIBCID RAMNAD POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC TO MR.J.JEYAKUMARAN, ADVOCATE, SR-1964[I] DATED 16/02/2024



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ORDER
IN
CRL OP(MD) No.1452 of 2024
Date :14/02/2024

RS/ (19/02/2024) 5P / 6C

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