



CRL OP(MD). No.11096 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/07/2024

PRESENT

The Hon'ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.11096 of 2024

Mohamed Asath @ Muhamed Asath,

... Petitioner/ Accused 3

Vs

The Inspector of Police,
Ayyampettai Police Station,
Thanjavur District,
Crime No.577/2024.

... Respondent/Complainant

For Petitioner : Mr.C.Senthil Murugan,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of B.N.S.S.

PRAYER :- For Bail in Crime No.577/2024 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 02.07.2024 for the offences punishable under Section 8(C) r/w 20(b)(ii)(B) of NDPS Act 1985, in Crime No.577 of 2024 on the file of the respondent police, seeks bail.

<https://www.mhc.trngov.in/judis> 2. The case of the prosecution is that the petitioner was found in illegal



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possession of 300 grams of ganja. Hence, the complaint.

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3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. Hence, the learned counsel prayed for bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner was found in illegal possession of 300 grams ganja. However, he fairly conceded that the contraband recovered from the accused is comes under the intermediate quantity.

5.Considering the facts and circumstances of the case and also considering the facts that the petitioner was found to be in possession of intermediate quantity of ganja and he is in judicial custody from 02.07.2024, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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 Judge (Special Court under Essential Commodities Act), Thanjavur.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Judge/concerned court may obtain a copy of their Aadhar card



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or Bank Pass Book to ensure their identity;

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(ii) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(iii) the petitioner shall not tamper with evidence or witness;

iv) the petitioner shall not abscond during trial.

v) On breach of any of the aforesaid conditions, the learned Judge/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 Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

sd/-
23/07/2024

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24/07/2024
Sub-Assistant Registrar (C.S. III)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SKN
TO
1 THE ADDITIONAL DISTRICT JUDGE
(SPECIAL COURT UNDER ESSENTIAL COMMODITIES ACT)
THANJAVUR.



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2 THE OFFICER INCHARGE,
DISTRICT PRISON, PUDUKOTTAI.

3 THE INSPECTOR OF POLICE,
AYYAMPETTAI POLICE STATION,
THANJAVUR DISTRICT,

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.11096 of 2024
Date :23/07/2024

SA/SAR. /24.07.2024/4P/5C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.