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Crl. O.P. No.3881 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2025

CORAM

**THE HON'BLE MR. JUSTICE SUNDER MOHAN**

Crl.O.P.No.3881 of 2025

Muhammed Thahir @ Thahir

... Petitioner/A8

Vs.

**The State represented by-**

The Station House Officer,  
D' Nagar Police Station,  
Puducherry.  
(Crime No.138 of 2024).

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.138 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr. P.Anbazhagan

For Respondent : Mr. K.S.Mohandass  
Public Prosecutor, Puducherry  
assisted by  
Ms.N.Dhanalatchumi  
Government Advocate [Pondy]

**ORDER**

This Criminal Original Petition has been filed by the petitioner, who was



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arrested and remanded to judicial custody on 22.08.2024, seeking bail in Crime No.138 of 2024 registered for the offences under Sections 20(b)(ii)(A), 21(C), 22(C), 23(C) of NDPS Act 1985 r/w 8(c) of NDPS Act, 1985.

2. The case of the prosecution is that on secret information, with regard to illegal transport of Narcotic substance, the respondent police went to the scene of occurrence, wherein they found A1 with illegal possession of 200 grams of dried green ganja, 16 blots of Multi coloured designed papers believed to be LSD and A2 with illegal possession of 180 grams of Hashish oil (ganja oil) total worth about Rs.50,000/- and there were no recovery from the petitioner

3. Learned counsel appearing for the petitioner submitted that the allegations against the petitioner are false; that no recovery of contraband was made from this petitioner and he is sought to be implicated as an accused based on the confession of the co-accused; that quantity of contraband seized by the respondent from the co-accused is intermediate quantity; that co-accused A2, A5, A6 were granted bail by this Court; and that in any case, further custody of the petitioner is not required for the purpose of investigation and hence prayed for grant of bail.



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4. Learned Public Prosecutor (Puducherry) appearing for the respondent police, reiterated the prosecution case and submitted that the petitioner is sought to be implicated as an accused based on the confession statement of co-accused and the petitioner is a resident of Kerala and has no previous cases. He further confirmed that co-accused/A2, A5, A6 were granted bail by this Court.

5. Heard the learned counsel appearing for the petitioner and the learned Public Prosecutor (Puducherry) for the respondent Police and perused the materials available on record.

6. Considering the nature of allegations, period of incarceration, the fact that no recovery was made from this petitioner and contraband was seized from co-accused and based on their confession, the petitioner is sought to be implicated as an accused, the co-accused have been granted bail by this Court vide order dated 21.01.2025 [Crl.O.P.No.1070 of 2025] and 10.01.2025 [Crl.O.P.Nos.32593 & 29197 of 2024] and since further custody of the petitioner is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioner with certain conditions.



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7. 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, out of which one shall be a blood relative, to the satisfaction of the learned **Principal Sessions Judge (Under NDPS Act) (FAC) III Additional Sessions Judge at Puducherry.**

[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 daily at 10.30 a.m., until further orders;**

[c] the petitioner shall not abscond either 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



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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 B.N.S.

**19.02.2025**

*ars*

To

1. The Principal Sessions Judge (Under NDPS Act) (FAC) III Additional Sessions Judge at Puducherry.
2. The Station House Officer, D' Nagar Police Station, Puducherry.
3. The Superintendent of Police, Central Prison, Kalapattu, Puducherry.
4. The Public Prosecutor, High Court of Madras.



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**SUNDER MOHAN., J.**

*ars*

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**19.02.2025**