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Crl OP No.3273 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.3273 of 2025

Arun Kumar

... Petitioner/A9

Versus

State rep by
The Inspector of Police,
Annadanapatty Police Station,
Salem.
Crime No.8 of 2025.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of BNSS Act, to enlarge the petitioner on bail in the event of his arrest pending investigation in Cr.No.8 of 2025 on the file of the respondent police.

For petitioner : Mr.K.Rahul

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 8(C), 20(b)(ii)(B) and 29(1) of Narcotic Drugs and Psychotropic Substance



Act, 1955 in Crime No.8 of 2025, seeks anticipatory bail.

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2. The case of the prosecution is that A1 to A6 were found in possession of 1.200 kgs of Ganja and the petitioner/A9 was implicated on the confession of the co-accused.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent; that only on the confession of the co-accused, the petitioner has been implicated; and that there is no previous cases under NDPS Cases and prayed for anticipatory bail for the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instructions submitted that that there are six previous cases against the petitioner for IPC offences and that only on the confession of the co-accused the petitioner has been implicated and no contraband was seized from the petitioner.

5. Taking note of the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side, the

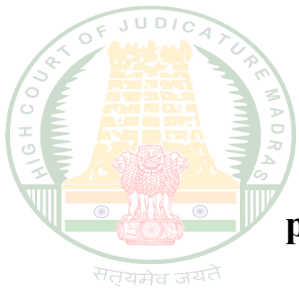


fact that the no contraband was seized from the petitioner and only on the confession of the co-accused the petitioner has been implicated in this case, the fact that the petitioner is on bail in other cases and since, custodial interrogation is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the ***Special Court for EC and NDPS Court, Salem*** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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



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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] 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 is 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 BNS.

24.02.2025

Vv/ars

To

1. The Special Court for EC and NDPS Court, Salem
2. The Inspector of Police,
Annadanapatty Police Station,
Salem.
3. The Public Prosecutor,
High Court of Madras,
Chennai.



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SUNDER MOHAN, J.

Vv/ars

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