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Crl.O.P.No.8033 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.8033 of 2025

Parthiban

...Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
J9 Thuraipakkam Police Station,
Chennai.

(Crime No.246 of 2022)

... Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in C.C. No.102 of 2023 on the file of the learned I Additional Special Judge, I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai in Crime No.246 of 2022.

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



CrI.O.P.No.8033 of 2025

WEB COPY

ORDER

The petitioner, who is facing trial for the offence under 8(c) r/w.20(b)(ii)(C), 29(1) and 25 of NDPS Act in C.C. No.102 of 2023 on the file of the learned I Additional Special Judge, I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai, seeks bail. The petitioner who was on bail did not appear before the Trial Court and NBW was issued on 27.07.2023 and the same was executed on 09.11.2024.

2.The learned counsel for the petitioner would submit that since the summons were not served upon the petitioner, the petitioner was unable to appear before the Trial Court on 27.07.2023 and hence, NBW was issued and the petitioner was arrested on 09.11.2024; that the petitioner is in custody from 09.11.2024 and hence, he may be released on bail.

3.Per contra, the learned Government Advocate (CrI. Side) reiterated the prosecution case and on instructions submitted that the case is now posted for furnishing copies to the accused.



Crl.O.P.No.8033 of 2025

WEB COPY

4.Considering the aforesaid facts, the period of incarceration, the fact that the petitioner was earlier granted bail, this Court is of the view that further custody of the petitioner is not required. Hence, this Court is inclined to grant bail to the petitioner with certain conditions.

5.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 to the satisfaction of the learned **I Additional Special Judge, I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai** 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 Trial Court everyday at 10.30 a.m., until further orders;



Crl.O.P.No.8033 of 2025

WEB COPY

[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 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.

08.04.2025

rkp



CrI.O.P.No.8033 of 2025

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Copy to:

- 1.The Inspector of Police,
J9 Thuraipakkam Police Station,
Chennai.
- 2.The I Additional Special Judge,
I Additional Special Court for Exclusive Trial of Cases under NDPS Act,
Chennai
- 3.The Superintendent, Central Prison, Puzhal.
- 4.The Public Prosecutor,
High Court, Madras.



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Crl.O.P.No.8033 of 2025

SUNDER MOHAN, J.

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Crl.O.P.No.8033 of 2025

08.04.2025