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Crl. O.P. No.4609 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.4609 of 2025

Rasu

... Petitioner/Accused-1

Vs.

The State represented by-

The Inspector of Police,
NIB-CID Salem Police,
Salem District.
(Crime No.29 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleased to enlarge the petitioner on bail in Spl.C.C. No.104 of 2024 pending on the file of the Special Court for EC/NDPS Act, Salem.

For Petitioner : Mr.C.Deepak Kumar

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



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ORDER

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This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 09.04.2024, seeking bail in Crime No.29 of 2024 registered for the offence under Sections 8(c) r/w 20(b)(ii)(C), 25 & 29(1) of NDPS Act.

2. The case of the prosecution is that on secret information, A1 to A3 were intercepted who had travelled in a two wheeler while seeing the police, they had abandoned the two wheelers with three bags containing 68 kgs of ganja and on their arrest, it was revealed that they purchased the said contraband from the petitioner who in turn purchased the same from Andra Pradesh.

3. The learned counsel for the petitioner would submit that the petitioner is sought to be implicated only on the confession of co-accused, there is no other material to connect the petitioner with the other accused; that there is no bad antecedents against the petitioner and hence, the petitioner has satisfied twin conditions of Section 37 and considering the period of incarceration, he sought for bail.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police, reiterated the prosecution case and confirmed the fact that the petitioner is sought to be implicated only on the confession of the co-accused; that the final report has filed before the Principal Court under EC & NDPS Act, Salem in Spl.C.C. No.104 of 2024.

5. Admittedly, no contraband was seized from the petitioner. The petitioner is sought to be implicated on the confession of the co-accused. Apart from the confession, there is no other material to connect him with the other accused. The petitioner has no bad antecedents and hence this Court is of the view that the petitioner has satisfied the twin conditions under Section 37 of the NDPS Act.

6. Considering the aforesaid facts and circumstances, period of incarceration and 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 to the satisfaction of the learned **Judicial Magistrate No.II, Salem.**

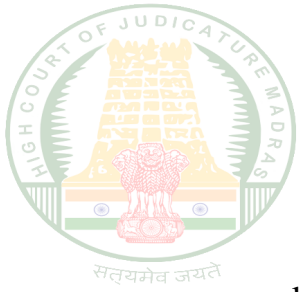
[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the Special Court for EC/NDPS Act, Salem, 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 conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down



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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.

19.03.2025

rkp

To

1. The Judicial Magistrate No.II, Salem.
2. The Inspector of Police,
NIB-CID Salem Police,
Salem District.
3. The Superintendent, Central Prison, Salem.
4. The Public Prosecutor, High Court of Madras.



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SUNDER MOHAN., J.

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