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Crl.O.P.No.5239 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.5239 of 2025

Sandeep Kaur

...Petitioner/Accused

Vs.

Union of India,
rep. by
The Superintendent of Customs,
Prosecution Unit Airport,
Meenambakkam,
Chennai – 600 027.

Respondent

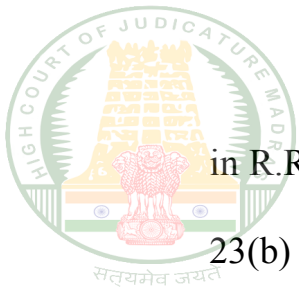
PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner/Accused on bail in R.R.No.04/2025 in O.S. No.155/2024-INT AIR & O.S. No.1363 of 2024-AIR-B on the file of the respondent.

For Petitioner : M/s.K.Madhu

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 28.12.2024, seeking bail



in R.R.No.04/2025 registered for the offence under Sections 8(c) r/w. 22(b), 23(b) and 28 of the NDPS Act, 1985 @ under Section 8(c) r/w.20(b)(ii)(B) of the NDPS Act.

2.The case of the prosecution is that the petitioner who was coming from Bangkok, Thailand to Chennai through Indigo Airline Flight found to be in illegal possession of 5.700 Kilograms of Ganja in a trolley bag. Hence, the case.

3.Learned counsel appearing for the petitioner submitted that the petitioner is innocent and that she has no previous case. He further submitted that the contraband seized is intermediate quantity and that the petitioner is in custody from 28.12.2024. Hence, he prayed for grant of bail to the petitioner.

4.Per contra, learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and filed a counter affidavit and submitted that the contraband has been seized and that no previous case is pending against the petitioner



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5.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6.Considering the period of incarceration, the fact that the contraband has been seized and no previous case is pending against the petitioner 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.

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 **Principal Special Court under EC & 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 the respondent Police,
everyday at 10.30 a.m., until further orders;

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[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]***;

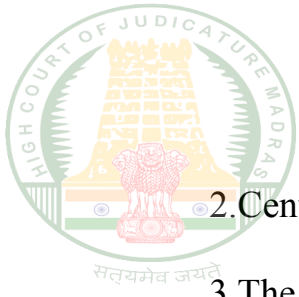
[f] If the accused thereafter absconds, a fresh FIR can be registered
under Section 269 B.N.S.

26.02.2025

rkp

Copy to:

1.The Superintendent of Customs,
Prosecution Unit Airport,
Meenambakkam,
Chennai – 600 027



2. Central Prison, Puzhal, Chennai.

3. The Principal Sessions Special Judge,
Special Court NDPS & EC Act, Chennai.

4. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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