



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.5234 of 2025

Navas Hussain

...Petitioner/Accused

Vs.

State through
The Inspector of Police,
Guduvancheri-PEW Police Station,
Chengalpattu District.
(Crime No.16 of 2025)

... Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.16 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.A.Elumalai

For Respondent : Mr.N.P.Kumar,
Special Public Prosecutor

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 03.02.2025, seeking bail in Crime No.16 of 2025 registered for the offence under Sections 8(c), 20(b)(ii)(B) of NDPS Act, 1985.



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2.The case of the prosecution is that the petitioner along with other accused was found to be in illegal possession of 10 Kilograms of Ganja. Hence, the case.

3.Learned counsel appearing for the petitioner submitted that the petitioner is innocent and that he has no previous case. He further submitted that the contraband seized is intermediate quantity and that the petitioner is in custody from 03.02.2025. 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

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.



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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 Sessions Special Judge, Special Court NDPS & EC 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;

[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 Inspector of Police,
Guduvancheri-PEW Police Station,
Chengalpattu District.
- 2.Sub Jail, Chengalpattu.
- 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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