



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.6634 of 2025

M.Fiaz Ahamed

...Petitioner/Accused No.1

Vs.

State rep. by
Inspector of Police,
F5, Police Station, Choolaimedu.
(Crime No.37 of 2025)

... Respondent

PRAYER: The Criminal Original Petition has been filed under Section 483 of BNSS to enlarge the petitioner/accused on bail pending investigation in Cr.No.37 of 2025 on the file of the respondent police.

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

ORDER

The Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 26.01.2025, seeking bail in Crime No.37 of 2025 registered for the offence under Sections 8(c) r/w 22(b), 25 and 29(1) of NDPS Act, 1985.



2.The case of the prosecution is that the petitioner along with other accused was found in illegal possession of 2.11 grams Cocaine and on his confession other accused were arrested and all of them put together were in possession of 58.93 grams of cocaine, 1.555 grams of ganja, 1 gram of 'OG' Ganja and 4 grams of hash oil which is intermediate quantity. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is innocent; that he has been falsely implicated in this case; that the contraband was seized and since custodial interrogation of the petitioner is not required for the purpose of investigation, he sought for grant of bail.

4.Learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and filed counter affidavit and submitted that the contraband has been seized from the petitioner and the petitioner has no bad antecedents.

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 petitioner found in possession of 2.11 grams of cocaine, which is small quantity and that the said contraband was seized and considering the fact that the petitioner has no bad antecedents, the fact that the co-accused released on bail, this Court is of the view that further custody of the petitioner is not required for the purpose of investigation. Hence, this Court is inclined to grant bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** each with **two sureties**, each for a like sum to the satisfaction of the **Principal Special Court for EC & NDPS Act at 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, twice a week i.e., on every Monday and Friday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

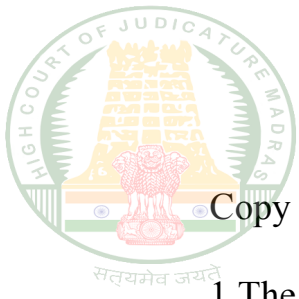
[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[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.

10.03.2025

rkp



Copy to:

1. The Inspector of Police,
F5, Police Station, Choolaimedu.
2. Sub Jail, Saidapet.
3. The Principal Special Court for EC & NDPS Act at Chennai.
4. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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