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Crl.O.P.No.7025 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No. 7025 of 2025

Azar Basha

... Petitioner / Accused No.3

Vs.

Union of India,
Through Intelligence Officer,
NCB, Chennai.

... Respondent/ Complainant

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with R.R. No.5 of 2025, pending investigation on the file of the respondent.

For Petitioner : M/s. N. Nishar Ahamed

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



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ORDER

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Petition seeking bail in respect of R.R. No.5 of 2025 registered for the alleged offences punishable under Section 9A r/w 23, 25A, 28 and 29 of NDPS Act, 1985, is on board for consideration.

2. The case of the prosecution is that, based on a secret information, the respondent police went to the spot and found that the petitioner and other accused were involved in illegal possession of 1.5 kilograms of Ephedrine for the purpose of illicit transportation and sale; and that the contraband was seized. Hence, this case.

3. The learned counsel appearing for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case and has not committed any offence as alleged by the prosecution; that the seized contraband is of controlled substance; that the petitioner has been arrested and remanded to judicial custody on 25.01.2025; and that the petitioner is ready to abide by any stringent condition that may be imposed by this Court and to appear and co-operate for the investigation, and prayed for grant of bail to the petitioner.

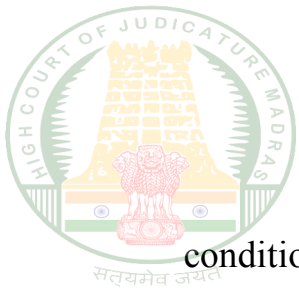


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4. The learned Special Public Prosecutor appearing for the respondent reiterated the prosecution case and on instruction submitted that the petitioner is arrayed as A3 in this case; that the petitioner has no bad antecedents; and that the investigation is pending.

5. Taking into consideration the facts and circumstances of the case, considering the nature of allegation against the petitioner, the submissions made by the learned counsels on either side, the fact that the petitioner has no bad antecedents, the contraband seized is controlled substance and rigor of Section 37 is not applicable to the petitioner, the period of incarceration undergone by 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.

6. 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 Principal Special Court under EC & NDPS Act, Chennai** and on further



conditions that:

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[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]*;



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

18.03.2025

stn

To

1. The Principal Special Court under EC & NDPS Act, Chennai.
2. The Intelligence Officer, NCB, Chennai.
3. The Superintendent, Central Prison, Puzhal, Chennai.
4. The Public Prosecutor, High Court of Madras.



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SUNDER MOHAN, J.

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