



Crl.O.P.No.9756 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2025

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THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.9756 of 2025

Naseer

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Arokkonam PEW Police Station,
Salem.

... Respondent

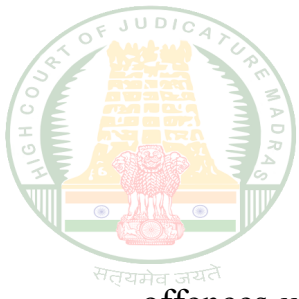
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Spl.C.C.No.77 of 2024 on the file of the Additional District Judge & Presiding Officer, Special Court under EC & NDPS Act Cases, Salem District.

For Petitioner : Mr.C.D.Sugumar

For Respondent : Mr.R.Vinothraja
Government Advocate (Criminal Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.03.2024 in Spl.C.C.No.77 of 2024 pending on the file of the learned Additional District Judge & Presiding Officer, Special Court under EC & NDPS Act Cases, Salem District, in connection with Crime No.752 of 2023, registered for the



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offences under Sections 8(c) r/w 20(b)(ii)(C), 29(1), 27A of Narcotic Drugs and Psychotropic Substances Act, 1985, and Section 109 of IPC, seeks bail.

2. The case of the prosecution is that the accused were found to be in illegal possession of Ganja and from A1, 20 kilograms and in respect of A2, 17 kilograms of ganja were seized. Hence the case.

3. The contention of the learned counsel appearing for the petitioner is that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that this is the fourth bail application of the petitioner before this Court and the petitioner/A3 was arrested only based on the confession statement recorded from the arrested accused 1 and 2. He also submitted that the petitioner has no connection with the other accused and has not transferred any amount to their account. However, only on assumptions and presumptions, the petitioner was implicated in this case and even there is no recovery from the petitioner. He further submitted that the investigation in this case has been completed and the charge sheet has also been filed, however, the copy of the charge sheet was served on the petitioner only on 04.04.2025. He also submitted that accused 1 & 2, from whom the contraband was seized, have already been granted bail by this Court. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail.



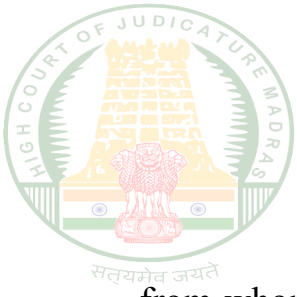
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4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and opposed for granting bail to the petitioner. He further submitted that the petitioner/A3 has financially supported the first and second accused for purchasing the contraband from the State of Andhra Pradesh and the petitioner had transferred a sum of Rs.50 thousand from his son's account to the account of A1's wife on various dates. He also submitted that even though there is no recovery from the petitioner/A3 herein, the confession of A1 and A2 would prove that the transaction exists between them for purchase of Ganja. He further submitted that the investigation has been completed and the case has also been taken up on the file of the Additional District Judge & Presiding Officer, Special Court under EC & NDPS Act Cases, Salem District, in Spl.C.C.No.77 of 2024 on 26.07.2024 and there are nine witnesses in this case. He also submitted that this is the fourth application for bail filed by the petitioner before this Court.

5. Heard both sides and perused the materials available on record including the counter filed by the respondent.

6. Considering the facts and circumstances of the case and taking note of the fact that there is no recovery from the petitioner and that the co-accused,



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from whom, the contraband was seized, were granted bail by this Court and also considering the period of incarceration undergone by the petitioners, 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.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Additional District Judge & Presiding Officer, Special Court under EC & NDPS Act Cases, Salem District**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall appear before the trial Court on all hearing dates, without fail;

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this



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regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions have been imposed and the petitioner released on bail by the learned Magistrate/trial court himself as laid down by the Honble Apex Court in **P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]**;

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

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Note :

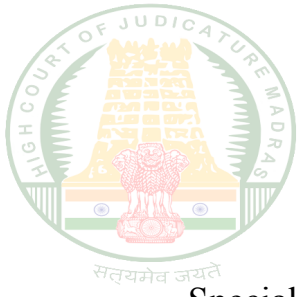
1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

M.NIRMAL KUMAR, J.

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To

1. The Additional District Judge & Presiding Officer,



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- Special Court under EC & NDPS Act Cases,
Salem District.
2. The Inspector of Police,
Arokkonam PEW Police Station,
Salem.
 3. The Superintendent,
Central Prison, Salem District.
 4. The Public Prosecutor,
High Court of Madras.

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