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Crl.OP.No.8671 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.8671 of 2025

Bakiyaraj

... Petitioner(s) /Accused 5

Vs.

State rep. by
Inspector of Police,
NIB CID, Salem.
Crime No.60 of 2024

... Respondent(s)/ Complainant

Prayer: Criminal Original Petition filed under Section 483 of BNSS 2023,
to enlarge the petitioner on bail pending investigation in Crime No.60 of
2024 on the file of the respondent.

For petitioner(s) : Mr.R.Sankarasubbu

For Respondent(s) : M/s.J.R.Archana,
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who



CrI.OP.No.8671 of 2025

was arrested and remanded to judicial custody on 18.10.2024, seeking bail in Crime No.60 of 2024, registered for the offences under Sections 8(c) r/w Sections 20(b)(ii)(C), 25 and 29(1) of NDPS Act.

2. The case of the prosecution is that the co-accused was found in illegal possession of 270 Kilograms of Ganja and based on the confession of A1, the petitioner was arrested.

3. The learned counsel for the petitioner would submit that the allegation against the petitioner is false; that the petitioner is sought to be implicated only on the confession of co-accused; that there is no other material to connect the petitioner with the other accused, except for the CDR details suggesting that the petitioner had made frequent calls to A1; and that there is one previous case registered against the petitioner and he has been acquitted in the said case and hence, the petitioner has satisfied the twin conditions of Section 37 and considering the period of incarceration, he sought for bail.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police, reiterated the prosecution case and confirmed the fact that the petitioner is sought to be implicated only on the confession of the co-accused; that there is one previous case registered against the petitioner and CDR details revealed that the petitioner has contacted A1 continuously.

5. Admittedly, no contraband was seized from the petitioner. The petitioner is sought to be implicated on the confession of the co-accused. Apart from the confession, the only other material to connect him with the other accused is the call details and hence this Court is of the view that the petitioner has satisfied the twin conditions under Section 37 of the NDPS Act.

6. Considering the aforesaid facts and circumstances, period of incarceration and 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 their

executing separate bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each with two sureties (one surety must be a blood relative of the petitioner), each for a like sum to the satisfaction of the learned **Special Courts for EC & NDPS Act Cases, Salem**, 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



WEB COPY



CrI.OP.No.8671 of 2025

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]***;

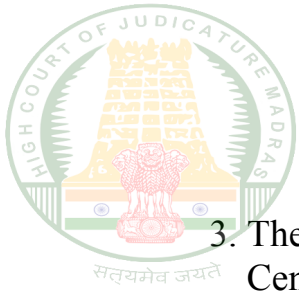
[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

07.04.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
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To

1. Inspector of Police,
NIB CID, Salem.
2. The Public Prosecutor,
Madras High Court,
Chennai.



CrI.OP.No.8671 of 2025

3. The Superintendent of Prison,
Central Prison, Salem.

WEB COPY

4. Special Courts for EC & NDPS Act Cases, Salem.

SUNDER MOHAN, J.

skr

CrI.OP.No.8671 of 2025



WEB COPY



CrI.OP.No.8671 of 2025

07.04.2025