



Crl.O.P.No.8932 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 26.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.8932 of 2025

M. Hibbathulla

... Petitioner/ Accused No.3

Vs.

The State Rep. By,
The Inspector of Police,
Karumathampatty Police Station,
Coimbatore District.
(Crime No.73 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on bail, in connection with Crime No.73 of 2025, pending investigation on the file of the respondent.

For Petitioner : Mr. C.D. Sugumar

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



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ORDER

Petition seeking bail in respect of Crime No.73 of 2025 registered for the alleged offences punishable under Sections 8(c) r/w 20(b)(ii)(B) and 25 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, conducted vehicle inspection and found that the accused person/ A1 was involved in illegal transportation of 6 kilograms of ganja; that upon confession of A1, 2 kilograms of ganja was seized from the petitioner and other accused. Hence, this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent, he has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution; that the petitioner has been arrested and remanded to judicial custody on 13.02.2025; that the alleged possession is either of intermediate quantity or small quantity; and that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court and ready to co-operate for the investigation and



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prayed for bail to the petitioner.

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4. The learned Government Advocate (Crl. Side) appearing for the respondent reiterated the prosecution case and on instruction submitted that there are totally 3 accused in this case and the petitioner is arrayed as A3; that the total contraband involved in this case is 8 kilograms of ganja, out of which the petitioner and A2 were in joint possession of 2 kilograms of ganja; 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 of intermediate quantity, 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)**



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with **two sureties (one surety shall be a blood relative and other shall be a local surety)**, each for a like sum to the satisfaction of the **learned Additional District Judge/ Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore District** and on further conditions that:

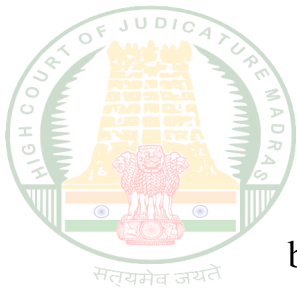
[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[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



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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 of B.N.S.

26.03.2025

stn

To

1. The Additional District Judge/ Presiding Officer,
Special Court for Essential Commodities Act Cases,
Coimbatore District.
2. The Inspector of Police,
Karumathampatty Police Station,
Coimbatore District.
(Crime No.73 of 2025)
3. The Superintendent,
Central Prison, Coimbatore District.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN, J.

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