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Crl. O.P. No.10384 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.10384 of 2025

Mohammed Riyas Chakkalakal

... Petitioner/Accused

Vs.

The State represented by-

The Superintendent of Customs,
Prosecution Unit Airport,
New Custom House, Meenambakkam,
Chennai.

(R.R. No.8 of 2025).

... Respondent

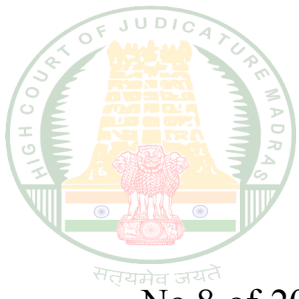
PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the R.R. No.8 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr. C.D. Sugumar

For Respondent : Mr. Vishnu
Special Public Prosecutor.

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 05.02.2025, seeking bail in R.R



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No.8 of 2025 registered for the offence under Sections 8(c), 23 and 28 of NDPS punishable under Sections 20(b)(ii)(B) of NDPS Act.

2. The case of the prosecution is that based on the secret information, the respondent police found the accused transporting 6 kgs and 964 grams of green colour flowering of fruiting tops suspected to be Ganja and that the contraband has been seized.

3. The learned counsel appearing for the petitioner submitted that the allegations against the petitioner are false; that contraband has been seized; and that in any case, further custody of the petitioner is not required and prayed that the petitioner may be released on bail.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, reiterated the prosecution case and on instructions, submitted that the petitioner has no bad antecedents and the contraband seized from the petitioner is intermediate quantity.

5. Considering the aforesaid facts, nature of allegations, period of incarceration, the fact that the petitioner has no bad antecedents, contraband has been seized, this Court is of the view that further custody of the petitioner is not



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required for the purpose of investigation. Hence 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.**

[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, daily 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 B.N.S.

07.04.2025

mjs

SUNDER MOHAN., J.

mjs

To

1. The Principal Special Court under EC & NDPS Act, Chennai.
2. The Superintendent of Customs, Prosecution Unit Airport, New Custom House, Meenambakkam, Chennai.
3. The Sub Jail, Saidapet, Chennai.
4. The Public Prosecutor, High Court of Madras.

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