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CRL O.P. No.10951 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.04.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.10951 of 2025

Syed Ali S/o. Rahim

.. Petitioner / Accused

Vs

State rep. by:-

The Inspector of Police,
NIB CID Police Station,
Salem. ... Respondent
[Cr. No.14 of 2023]

PRAYER:- Criminal Original Petition filed under Section 483 of BNSS,
pleased to enlarge the petitioner on bail, in connection with the Crime
No.14 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.M. Illiyas

For Respondent : Ms. J.R. Archana,
Government Advocate
[Criminal side]

ORDER



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This Criminal Original Petition has been filed by the petitioner/Accused, who was arrested and remanded to judicial custody on 08.03.2024, seeking bail in Crime No.14 of 2023 registered for the offences under Sections 8(c), 20(b)(ii)(B)(C) and 29(1) of the Narcotic Drugs and Psychotropic Substance Act.

2. It is the case of the prosecution that based on the secret information, A1 and A2 were found in possession of 100 kgs of Ganja; and that from the confession of A1 and A2, it was revealed that A3 and this petitioner had also been involved in the aforesaid offences.

3. The learned counsel appearing for the petitioner submitted that the petitioner is in judicial custody from 08.03.2024; that charges have been framed recently and the trial is likely to be commenced; that the petitioner is sought to be implicated based on the confession of the co-accused; that the petitioner has no bad antecedents; that A1 was released on bail by this Court vide order in Crl. O.P. No.2578 of 2025; that since the petitioner has been incarcerated for more than 2 years, in any case,



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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 been implicated based on the confession of the co-accused; that the petitioner has no bad antecedents; that the petitioner is a native of Kerala and hence, if he is released on bail, he would not be available for trial; and that this Court had granted bail to A1 on the ground that he was in custody from 23.03.2023.

5. Admittedly, no contraband was recovered from this petitioner and he is sought to be implicated based on the confession of the co-accused. Considering the aforesaid facts and nature of allegations, period of incarceration of the petitioner from 08.03.2024, the fact that the petitioner has no bad antecedents, this Court is of the view that further custody of the petitioner is not required for the purpose of investigation. Hence this Court is inclined to grant bail to the petitioner with certain conditions.



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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, of which, one should be a blood relative and the another surety should be a local surety, each for a like sum to the satisfaction of the learned **Principal Sessions Judge, NDPS Court, 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 appear before the respondent police every day 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



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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.

15.04.2025

mjs

Copy to:

- 1.The Principal Sessions Judge, NDPS Court, Salem.
- 2.The Inspector of Police, NIB CID Police Station, Salem.
3. The Superintendent of Police, Central Prison, Salem.
- 4.The Public Prosecutor, High Court, Madras.



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SUNDER MOHAN., J.

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