



Crl.OP.No.11041 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 15.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.11041 of 2025

Mohammed Nausath Ali ... Petitioner/A6

Vs.

The State,
Rep by the Inspector of Police,
D-6, Anna Square Police Station,
Chennai.
(Cr.No.92 of 2025)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 483 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioner on bail, in connection with Crime No.92 of 2025 pending investigation on the file of the respondent police.

For petitioner : Mr.N.Nishar Ahamed

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 17.03.2025 seeking bail in Cr.No.92 of 2025 registered for the offence under Sections 8(c), 20(b)(ii)(B)



and 29(1) of NDPS Act, 1985.

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2. The case of the prosecution is that on 23.02.2025, on secret information, A1 to A3 was found in possession of 1.350 kgs of Ganja, 495gms of Hashish Oil, 10 Nos. of Nitrazepam Tablets and 12 Nos. of Tapentadol Tablets for sale and the respondent seized the same; and that the petitioner/A6 was implicated based on the confession of the co-accused.

3. The learned counsel for the petitioner would submit that the petitioner is innocent; that he has been implicated in this case on the confession of the co-accused; that no seizure was made from the petitioner; that the contraband seized from all the co-accused is an intermediate quantity; and that considering the period of incarceration, he prayed for bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing the grant of bail to the petitioner, reiterated the prosecution case and on instructions submitted that the petitioner has been implicated in this case on the confession of the co-

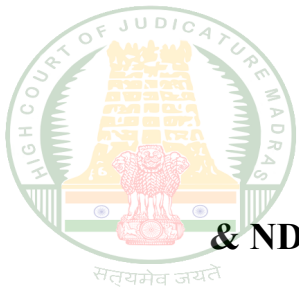


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accused; that no recovery was made from this petitioner/A6; that the contraband seized from all the co-accused is an intermediate quantity; that the petitioner has one previous cases under NDPS Act of the year 2022, for possession of commercial quantity of contraband; and that the petitioner is on bail in that case.

5. Considering the nature of allegations; that the petitioner is sought to be implicated based on the confession of the co-accused; that no contraband was seized from the petitioner; that the contraband seized from the co-accused is an intermediate quantity; that the petitioner is on bail in the previous case; and that 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 condition to execute 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 Judge, Principal Special Court under EC**



& NDPS Act, Chennai, and on further conditions that:-

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(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned 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 commit any offences of similar nature;

(d) the petitioner shall not abscond either during investigation or trial;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Judicial 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]***;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.



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Index : Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

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To

1. The Inspector of Police,
D-6, Anna Square Police Station,
Chennai.
2. The Superintendent of Prisons,
Central Prison, Puzhal, Chennai.
3. The Public Prosecutor,
Madras High Court,
Chennai.
4. The Principal Special Judge,
Principal Special Court under EC & NDPS Act,
Chennai.



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SUNDER MOHAN, J.

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