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Crl.O.P.No.31813 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2025

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.31813 of 2024

1.Ahamed Basha

2.Syed Apudahir D

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Directorate of Revenue Intelligence,
Chennai Zonal Unit,
Chennai.

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with File No.DRI/CZU/VIII/48/Enq-01/Int-31/2024 in RR.No.46 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.B.Kumar
Senior Advocate

For Respondent : Mr.N.P.Kumar
Special Public Prosecutor (DRI)



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ORDER

Petition seeking bail in respect of File No.DRI/CZU/VIII/48/Enq-01/Int-31/2024 in RR.No.46 of 2024, registered for the offences punishable under Sections 25A, 28 & 29 r/w Section 9A of NDPS Act, 1985, is on board for consideration.

2. The incarceration of the petitioner being from 26.09.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He submits that even as per the prosecution, the alleged contraband is a controlled substance and other than the alleged confession stated to have been recorded from the petitioner, there is no other material to show that the petitioners are the persons who have attempted to conceal the contraband, along with the goods to be exported to Australia. He would further submit that the investigation has been completed and final report has also been filed before the court concerned and that the rigours of Section 37 Cr.P.C would not be applicable to the case on hand and would submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.



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3. The case of the prosecution as put forth by the learned Special Public Prosecutor appearing for the respondent police, opposing for grant of bail, is that the accused had attempted to smuggle 112 Kgs of pseudoephedrine concealed along with export consignment of quartz power stuffed in container No.GAOU7183096. He would submit that the petitioners were summoned and it has been identified that they are the persons, who have exported the quartz powder and attempted to smuggle the same by concealing it in the container. He would further submit that the investigation has been completed and final report has been filed.

4. Having heard the learned counsel for the petitioners, the learned Special Public Prosecutor for the respondent Police and perused the materials available on record and taking note of the fact that the contraband is only a controlled substance and that the petitioners are in custody from 26.09.2024, this court is inclined to grant bail to the petitioners with certain conditions and accordingly, the petitioners are ordered to be released on bail on them executing separate 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**



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Special Judge for NDPS Act Cases, Chennai, 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 petitioners shall report before the learned Principal Special Judge for NDPS Act Cases, Chennai on all working days at 10.30 a.m for a period of two weeks and thereafter on the dates fixed by the trial judge. The petitioners are also directed to appear before the respondent as when required on summons;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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***



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[(2005)AIR SCW 5560];

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

22.01.2025

Anu

To

1. The Principal Special Judge for NDPS Act Cases, Chennai
2. The Inspector of Police,
Directorate of Revenue Intelligence,
Chennai Zonal Unit,
Chennai.
3. The Superintendent,
Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

Anu

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