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Crl.O.P.No.2999



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **04.11.2025**

CORAM :

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Crl.O.P.No.29994 of 2025

Muhamadu Absarkhan

... Petitioner

-VS-

State Rep by,
The Inspector of Police,
Prohibition Enforcement Wing,
Namakkal.
(Crime No.248 of 2025)

... Respondent

Prayer:- Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail in Crime No.248 of 2025 pending investigation on the file of the Respondent police.

For Petitioner : Mr.L.Ramanathan

For Respondent : Mr.A.Gopinath,
Government Advocate (Crl. Side)

ORDER



The petitioner, who was arrested and remanded to judicial custody on 04.09.2025, for the alleged offence punishable under Sections 8(c) r/w 20(b)(ii)(B), 29(1) of NDPS Act in Crime No.248 of 2025, on the file of the respondent police, seeks bail.

2. The allegation of this petitioner is that this petitioner joining hands with other two accused involving transportation, possession and sell of 5.690 kgs of Ganja and the petitioner was arrested on 04.09.2025. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner was arrested and he is in judicial custody from 04.09.2025 and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner is arrayed as A2 and the petitioner was transporting 5.690 kgs of Ganja and no previous case is pending against the petitioner, in this case A1 has already detained under 14 of 1982 as the Drug



Offender and he opposed for grant of bail to the petitioner.

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5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the submissions of the learned counsel on either side and the period of incarceration undergone by the petitioner, the petitioner is in judicial custody from 04.09.2025 and he has not having any previous case, property recovered, it rigours of Section 37 of NDPS Act is not applicable to the petitioner, this Court is inclined to grant bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties, each for a like sum to the satisfaction of the *learned Judicial Magistrate IV, 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 report before the respondent

WEB COPY 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 the 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];

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

04.11.2025

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Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.



2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

- 1.The Judicial Magistrate IV, Salem.
- 2.The Inspector of Police,
Prohibition Enforcement Wing,
Namakkal.
- 3.The District Prison, Salem.
- 4.The Public Prosecutor,
High Court, Madras.

K. RAJASEKAR, J.

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