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CRL OP No. 31382 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-12-2025

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THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP No. 31382 of 2025

A.Affice Khan

Petitioner(s)

Vs

The State, represented by, The Inspector of Police,
M-1 Madhavaram, Chennai. (Crime No.1176 of 2024).

Respondent(s)

PRAYER Criminal Original Petition filed under Section 482 of BNSS, pleaded to enlarge the petitioner on bail in the event of his arrest concern in CC No.734/2024 on the file of the Inspector of Police Station, M-1, Madhavaram Chennai District, on such terms and conditions as this Honble Court.

For Petitioner(s): Mr.Kasirajan S

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

ORDER

The Petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 8(c), 22(c), 25, 29(1) of NDPS Act, in Crime No.1176 of 2024, on the file of the respondent police, seeks



anticipatory bail.

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2. The case of the prosecution is that based on secret a information on 21.12.2024, the respondent, after obtaining authorisation from the superior officer, went to the scene of crime and arrested A4 namely Karthick in possession of 100 grams of methamphetamine and the other accused persons in possession of 1400 grams of methamphetamine after complying the mandatory procedures. In pursuant to their confession, the other accused persons have also been implicated as accused and the petitioner herein was arrayed as A-9 based on the confession of A-8 Shanmugam. On the strength of their confession statement, there was recovery of methamphetamine from the other accused persons, which was 17.821 kg of methamphetamine in total. FIR was registered on 21.12.2024. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is ranked as A9 in this case. It is alleged that his premises was used for exporting the contraband produced by some other accused at Madurai. However, admittedly in this case, there is no material or averment to show that the alleged contraband seized is either belongs to this petitioner or the same was handed over to the petitioner for the purpose of trafficking. He further submitted that all the other similarly placed accused persons have been granted bail by this Court in CrI.OP.Nos.4639, 7157, 7149, 5293, 20705, 3569, 7830 & 5937 of 2025 and



in Crl.R.C.No.918 of 2025. He further submitted that in this case, the investigation is concluded, final report filed and the same is taken on file in C.C.NO.734 of 2024 and NBW has been issued against the petitioner. Now the petitioner is ready to appear before the concerned Court, hence, the learned counsel prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reported that after conclusion of the investigation, final report has been filed. In the said report, it was alleged that Venkatesan @ Rajesh/A1 colluded with Shahul Hameed/A6 and R.V.Shanmugam/A8 used to transport the alleged contraband to A9, who in turn export the same to various places, thereby, the petitioner herein has been arrayed as an accused. Hence, opposed for the grant of anticipatory bail to the petitioner.

5. I have also gone through the entire final report filed in this case, which reveals that A1 to A4 who used to collect raw materials for the purpose of producing the methamphetamine at Madurai with the help of A5 and A13. They manufacture the alleged contraband in this case, transported it to Chennai and concealed in a godown at Red Hills which belongs to R.Nirendran/A14 and the same was seized by the respondent police. On further investigation, it revealed that A6, A7 & A8 was also actively involved in the transportation and A9 in this case used to export the contraband to various countries. Admittedly, the



contraband seized in this case has not been possessed, or transported, or sold by the petitioner herein. Due to some past activities, he has been included in this case as an accused and the petitioner herein has noway linked with the present contraband seized and not even the allegation levelled that he was aware about the transportation of huge quantity by A1 to A5 in this case. Hence I am of the view that Section 37 of the NDPS Act has been fully satisfied for the purpose of granting anticipatory bail to the petitioner and the respondent police have chosen to file the absconding charge sheet against the petitioner and as on date the NBW is pending in this case, I am inclined to grant anticipatory bail to the petitioner subject to certain conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **I Additional EC & NDPS Court, 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 petitioner shall report before the Court concerned everyday at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;



[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]***;

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

04-12-2025

gbi

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



To

1. The State, represented by, The
Inspector of Police,
M-1 Madhavaram, Chennai. (Crime
No.117 of 2024).
2. The I Additional EC & NDPS Court,
Chennai.
3. The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR J.
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