



CrI.O.P.No.16780 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No.16780 of 2022

M.Aravinthkumar @ Raja

... Petitioner

Vs.

The Intelligence officers,
Director of Revenue Intelligence,
No.27, G.N.Chetty Road,
T.Nagar, Chennai – 17

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in C.C.No.33 of 2019 on the file
of the I Additional Special Judge, NDPS Court, Chennai.

For Petitioners : Mr.G.Murugendran

For Respondent : Mr.N.P.Kumar
Special Public Prosecutor for DRI cases



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.06.2017 for the offence under Section 8(c), r/w Sections 22(c), 23, 25, 27A, 28 & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 r/w Section 9A r/w 25A of NDPS Act of NDPS (Regulation of controlled substances) order 1993 r/w 135A of Customs Act 1962 in C.C.No.33 of 2018 on the file of the I Additional Special Judge for NDPS Act cases, Chennai in respect of F.No.DRI/CZU/VIII/48/ENQ-1/INT21/2017 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that based on an anonymous call, the respondent herein went on secret search to JSM warehouse, situated at Survey No.332/2 Sothupakkam Road, Budur, Redhills, Chennai and found the raw materials used for production of Narcotic substances. It is also alleged that the output products were stored and packed at a godown located at Star Exports, 108, School Road, Magadu, Chennai. Hence, this complaint.



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3. The learned counsel appearing for the petitioner would submit that there are totally 12 accused in which the petitioner is arrayed as A8. The petitioner was working as employees under A1 to A3 for monthly salary in a soap manufacturing company. He further submitted that the petitioner is not aware of any details of the unlawful manufacturing activity being done. The owner of the company, namely, the second accused used to purchase or bring all the items required for manufacturing of other chemical product in the other portion of the godown and he only know all the details of the manufacturing activity and nature of the ingredients, final manufactured products in the other side of the godown. After completion of the manufacturing, the petitioner would take away the final product of white colour powder to some places for delivery. However, the petitioner did not know the exact nature/description of the product. The petitioner also assumed that the chemical produced might be a drug or illegal product. Except the statement and his presence in the manufacturing unit, he has nothing to do with the crime as alleged by the prosecution.



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3.1. He further submitted that the co-accused already enlarged on bail by this Court in Crl.O.P.Nos.9178, 9181 and 9183 of 2022 by an order dated 06.06.2022 and the petitioner also in the same footing. That apart, the petitioner is arrested and remanded to judicial custody on 16.06.2017 and more than five years he has been incarcerated. Hence, he prays for grant of bail to the petitioner.

4. The learned Special Public Prosecutor (for NCB) appearing for respondent filed counter and submitted that the petitioner is a diploma holder in ECE from Polytechnic College, and he is trained for manufacturing process, monitoring of the equipments and machineries used for manufacturing of the narcotic drugs/substances and reporting to other accused. The petitioner was the main contact person in the godown at M/s. Star Export, Mangadu and de along with Tamizhselvan and Ranjith used to stuff the packets of Narcotics Drugs inside the polysack bags of Magnesium Sulphate and Stitched the packets and the packets would be transported in lorries and taken to Chennai port for export.



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4.1. He further submitted that the petitioner only collected the packets of narcotics drugs from the other accused by using two cars and transported and distributed the same. The petitioner is the person to test the purity of the drugs and identify the type of drugs and pack the same in small polythene bags and conceal them in magnesium sulphate polysacks. The petitioner had camouflaged the drug bags with similar looking packages for further clearance to export and he monitored the loading of drugs and covered goods in lorries for export. For the above said work, the petitioner had been offered with huge salary of Rs.2,00,000/- per month. Hence he vehemently opposed to grant bail to the petitioner.

5. Though the respondent stated in his counter that the petitioner received the salary of Rs.2,00,000/- per month, to hide the secrecy of the company, there is no material to show that the petitioner had been paid a sum of Rs.2,00,000/- as monthly salary. Further this Court already granted bail to the accused 5 to 7 by an order dated 06.06.2022. Considering the facts and circumstances of the case and also considering



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the period of incarceration by the petitioner from the date of his arrest viz., 16.06.2017, this Court is inclined to grant bail to the petitioner on certain conditions.

6. Accordingly, petitioner is ordered to be released on bail on his executing a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related sureties, each for a like sum to the satisfaction of the learned I Additional 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 petitioner shall appear before the trial Court daily twice at 10.30 a.m., and 5.30 p.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 petitioner in accordance with law as if the conditions have been imposed



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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 229A IPC.

22.07.2022

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To

1. The I Additional Special Judge for NDPS Act cases,
Chennai
2. The Intelligence officers,
Director of Revenue Intelligence,
No.27, G.N.Chetty Road,
T.Nagar, Chennai – 17
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras



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