



Crl.OP(MD)No.11983 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 17/07/2023

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.OP(MD)No.11983 of 2023

Mohammed Abdul Rasheed

...Petitioner/ Accused No.2

Vs.

Union of India
through Intelligence Officer,
Narcotics Control Bureau,
Madurai Sub-Zone,
Madurai.

.. Respondent/Complainant

For Petitioner : Mr.C.Emalias,Advocate

For Respondent : Mr.C.Arul Vadivel @ Sekar,
Standing Counsel

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER:- For Bail in N.C.B.F No.48/1/04 of 2022/NCB/MDU on the file of the respondent

ORDER: The Court made the following order:-

The petitioner/A2, who was arrested on 01/11/2022 for the offences punishable under section 8(c) r/w 20(c), 28 and 29 of NDPS Act, in NCB-F No.48/1/04/2022/NCB/MDU on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that based on the information received, the respondent/NCB officers conducted an inspection and seized 4.440 kgs of dark greenish sticky viscous liquid from the accused persons. Hence the case.

3.Heard both sides.

4.The earlier application came to be dismissed, considering the contraband involved and non-compliance of section 37 of the NDPS Act.

5.Now the learned counsel appearing for the petitioner would submit that absolutely, this petitioner is not involved in the transport of the contraband, the vehicle which owned by his father, was hired by the co-accused for the purpose travel, without knowing the real intention, for Rs.10,000/- hire amount, he went to that place and picked up the co-accused. While travelling, the vehicle was intercepted and from the stepny, the contraband was seized. So, according to him, for Rs.10,000/- hiring amount, he would not have involved in such sort of activity. More-over, he is also a student.

6.Per contra, the learned Special Public Prosecutor appearing for the respondent would submit that even though, such defence has been taken on the earlier occasion also, that was rejected for valid reasons. It is absolutely improbable for the co-accused to fill the stepny with the contraband without the knowledge of the petitioner. It shows the active involvement of this petitioner said transportation



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of contraband. So, according to the respondent, the petitioner does not satisfy the twin conditions.

7.Except raising the above said point, absolutely, no other valid ground has been raised by the petitioner. I find no reason to reconsider the above said view taken by this court on the earlier occasion.

8.Considering the quantity of the contraband involved, unless the petitioner is able to satisfy the requirement under section 37 of the NDPS Act, he is not entitled for any bail at this stage, even though, he is in custody ever-since from the date of arrest.

9.In the result, this criminal original petition is dismissed.

sd/-
17/07/2023

/ TRUE COPY /

02/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ER
TO

1 THE INTELLIGENCE OFFICER
UNION OF INDIA, NARCOTICS CONTROL BUREAU,
MADURAI SUB ZONE, MADUARI



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2 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.ARUL VADIVEL @ SEKAR, Advocate (SR-10825[I] dated 17/07/2023)

+1 CC to M/s.C.EMALIAS, Advocate (SR-10952[I] dated 19/07/2023)

ORDER
IN

CRL OP(MD) No.11983 of 2023
Date :17/07/2023

PKP/DD/SAR- /02.08.2023/ 4P/ 6C

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