



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2024

CORAM

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

CrI.O.P.No.25219 of 2024

Ravi Devar

... Petitioner

Vs.

Union of India,
Narcotic Contral Bureau through
Intelligence Officer,
Narcotic Control Bureau,
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 C.C.No.547 of 2024, on the file of the I Additional Special Court under NDPS Act in R.R.No.69 of 2023 on the file of the respondent.

For Petitioner : N.Nishar Ahamed

For Respondent : Mr.N.P.Kumar
Special Public Prosecutor

ORDER

Petition seeking bail in respect of R.R.No.69 of 2023 registered for the offences punishable under Section 8(c) r/w Sections 22(c), 23(c), 25, 27(A), 28 and 29 of NDPS Act, 1985, is on board for consideration.



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2. The incarceration of the petitioner being from 02.01.2024 pleading innocence on the part of the petitioner and false implication in the case, the learned counsel for the petitioner seeks indulgence of this Court. He submits that the petitioner is arrayed as A8 in this case and that he was served with summons by the officials of the respondent and he travelled along with the officials from Imphal to Chennai by flight and a statement was recorded from the petitioner, as if he had dealt with the money transaction of the other accused, knowing well that they were involved in the drug trade. Though the petitioner is a Tamilian, he is the resident of Imphal and other than dealing with Hundi Trade / Hawala Trade, the petitioner has no link, whatsoever, with the other accused in the drug trade. He would further submit that other than the alleged statement said to have been recorded, as if he knows the other accused, there is no other materials to connect the petitioner to the offence. Though the respondent has submitted the CDR records of the other accused, there is no evidence to show that the petitioner was in telephonic contact with the other accused regarding the drug trade and that the petitioner is alleged to have received a commission of Rs.5 Lakhs and claimed to have been unaware of the criminal activity of the other accused. He further submitted that final report has been filed and the case has been taken up for trial in



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C.C.No.547 of 2024. He also submitted that there are no previous cases against the petitioner either under NDPS or any other Act. He further submitted that even as per the prosecution, the petitioner has travelled along with the officials from Imphal to Chennai through flight and as per the rules, the petitioner cannot carry a huge cash of Rs.10 Lakhs while travelling through flight and that the petitioner also does not claim that the amount of Rs.10 Lakhs has been recovered from him.

3. The case of the prosecution, as put forth by Mr.N.P.Kumar, learned Special Public Prosecutor appearing for the respondent, opposing for grant of bail, is that the respondent has filed final report in C.C.No.547 of 2024 against the accused Nos.1 to 9 for having found to be in possession of 11 Kgs of Methamphetamine. The allegation against the petitioner is that accused No.5 had revealed that the petitioner, who is the accused No.8, had handled the financial transaction with the drug dealer on behalf of accused Nos.5 and 6 in Imphal, Manipur and that an amount of Rs.5 Lakhs was handed over by the accused No.5 and was sent to the main supplier namely Shameer through Hawala. Thereafter, based on summons, the petitioner had appeared before the respondent on 30.12.2023 and a voluntary statement was recorded from him, where he had admitted to have dealt with the amount of Rs.10 Lakhs on behalf of the other



accused, he had handed over the same to the respondent and he has given a voluntary statement admitting that he was involved in Hawala trade and he was also aware of the fact that the other accused were involved in drug trade. He further submits that accused viz., Roshan Kumar has identified the petitioner *vice versa* the petitioner also identified the said Roshan Kumar. He also brought to the notice of the Court that it is a case of commercial quantity and the petitioner has to satisfy the conditions under Section 37 of NDPS for grant of bail.

4. In reply, the learned counsel for the petitioner submitted that if the petitioner had knowledge about the accused viz., Roshan Kumar, there is no need for the petitioner to identify him and *vice versa*, there is also no necessity for the Roshan Kumar to identify the petitioner. He would submit that other than transferring the amount through Hundi for commission of Rs.5,000/-, the petitioner has nothing to do with the alleged drug trade. He further submitted that charges are yet to be framed and it will take some considerable time for the completion of trial and thereby, seeks bail to the petitioner.

5. Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the



materials available on record, including the complaint and the documents annexed along with the complaint. Taking into consideration the period of incarceration, stage of the case and the materials, this Court is of the opinion that the petitioner has satisfied the condition under Section 37 of the NDPS Act, for grant of bail, this court is inclined to grant bail to the petitioner with certain conditions and accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with **two sureties** (out of which one shall be a blood related surety), each for a like sum to the satisfaction of the learned I Additional Special Court under NDPS Act, 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 surrender his passport to the before the trial Court;

[c] the petitioner shall appear before the Trial Court on all hearing dates at 10.30 a.m., and also report before the respondent Police every Saturday at 06.30 p.m., until further orders;

[d] the petitioner shall not abscond during trial;



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[e] the petitioner shall not tamper with evidence or witness during trial;

[f] 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]***;

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

11.12.2024

Anu



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To

1. The I Additional Special Court under NDPS Act, Chennai
2. Union of India,
Narcotic Contral Bureau through
Intelligence Officer,
Narcotic Control Bureau,
Chennai Zonal Unit,
Chennai.
3. The Superintendent,
Puzhal Prison, Chennai
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

Anu

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