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CRL O.P. No.25507 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.10.2024

CORAM

The Hon'ble Mr. Justice P.DHANABAL

CRL OP.No.25507 of 2024

R. Pandiyarajan S/o. Ramu

... Petitioner /4th Accused

Vs

State represented by:-

The Intelligence Officer,  
NCB, Chennai.

[R.R. No.23 of 2023]

.... Respondent / Complainant

**PRAYER:** - The Criminal Original Petition is filed under Section 483 of

B.N.S.S., praying to grant bail to the petitioner/Accused in R.R. No.23 of  
2023 on the file of the respondent police.

For Petitioner : Mr. M.G. Martin Manivannan

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

### **ORDER**

The petitioner / 4th Accused, who was arrested and remanded to  
judicial custody on 26.07.2023 for the offences punishable under  
Sections 8(c) r/w Section 20(b)(ii)(C), 27A, 28 & 29 of NDPS Act and  
altered to Sections 20(b)(ii)(C), 27A, 28 & 29 of NDPS Act 1985 in R.R.



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No.23 of 2023 on the file of the respondent police seeks bail.

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2. The case of the prosecution is that the accused persons have illegally transported 432.700 kgs of brownish-green dry leaves and flowering tops believed to be Ganja in a Tata Truck bearing Registration No.TN31-BD-6347 at Karanodai Toll Plaza, Chennai on 25.07.2023. Hence the case.

3. The learned counsel for the petitioner would contend that this petitioner has been falsely implicated in this case for the offences under Sections 8(c) r/w Section 20(b)(ii)(C), 27A, 28 & 29 of NDPS Act and subsequently, altered to Sections 20(b)(ii)(C), 27A, 28 & 29 of NDPS Act 1985. In this case, even as per the prosecution, no contraband was recovered from this petitioner. A1 and A2 were arrested and based on their confession statements, this petitioner has been arrayed as an accused in this case. Already A3 was also arrested. Co-accused were released on bail. This petitioner was arrested and remanded to judicial custody on 26.07.2023. There is no previous case pending against this petitioner and hence, he prayed that the petitioner may be released on



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bail.

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4. The learned Government Advocate (Criminal Side) would submit that the respondent police seized 432.700 kg of brownish-green dry leaves and flowering tops believed to be Ganja in a Tata Truck bearing Registration No.TN31-BD-6347 at Karanodai Toll Plaza, Chennai on 25.07.2023 and the 1st and the 2nd accused were arrested by the respondent police for the illegal transportation of Ganjas and thereafter, as per the confession statements of A1 and A2, it came to know that this petitioner has also involved in the commission of offences and already this Court dismissed the earlier application for bail and there is no change in circumstances and the quantity of materials involved in this case, is a commercial quantity and hence he strongly opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side, considering the fact that this petitioner is arrayed as an accused, only based on the confession statements of the co-accused A1 and A2 and the contraband was also seized only from A1 and A2 and no contraband was seized from



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this petitioner and co-accused was released on bail by this Court and also considering the fact that this petitioner is in judicial custody from 26.07.2023 and there is no previous case pending against this petitioner for the similar kind of offences, I am inclined to grant bail to the petitioner subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the **learned Principal Special Judge, Special Court for Exclusive trial of Cases under NDPS Act at Madras** and on further conditions that:

**[b] the petitioner shall report before the concerned NDPS Court on all working days at 10.30 a.m. until further orders.**

[c] the petitioner shall not commit any offence similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;



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trial;

[d] the petitioner shall not abscond either during investigation or

[e] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] On breach of any of the aforesaid conditions, the learned Judicial 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 229A IPC.

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index: Yes/No  
Internet: Yes/No  
Speaking/Non Speaking order  
mjs

To

- 1.The Principal Special Judge, Special Court for Exclusive trial of Cases under NDPS Act at Madras
- 2.The Public Prosecutor, Madras High Court, Chennai.
- 3.The Intelligence Officer, NCB, Chennai.
4. The Superintendent of Police, Central Prison, Puzhal, Chennai.

**P.DHANABAL,J**

**mjs**

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