



CRL OP(MD). No.6739 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/04/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.6739 of 2024

Mohammad Roshan,

... Petitioner/ Accused No.2

Vs

The Intelligence Officer,
Narcotics Central Bureau,
Chennai Zonal Unit,
Ncb F.No. 48/1/21/2023/ncb Mds.

... Respondent/Complainant

For Petitioner : D.N.Dhurgasha, Advocate.

For Respondent : Mr.Arul Vadivel @ Sekar

Central Government Standing Counsel

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

PRAYER :-

To enlarge the petitioner / accused no.2 on bail in NCB F.No. 48/1/21/2023/NCB MDS on the file of the respondent police by impose any condition.

ORDER : The Court made the following order :-

The respondent police registered a case as against this petitioner in NCB F.No.



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48/1/21/2023/NCB MDS for the offence under Section 8 (c) r/w. Section 20(b)(ii)(C), 28, 29 of NDPS Act 1985 as amended and punishable U/s 20(b)(ii)(C), 28, 29 and remanded him into judicial custody on 29.10.2023. Therefore, the petitioner has filed this petition seeking bail.

2. The case of the prosecution is that the petitioner was found in possession of 122 Kgs of Ganja in a car bearing Reg. No.KA-51-MR-4118.

3. The learned counsel for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, he is languishing in Jail from 29.10.2023.

4. The learned Central Government Standing Counsel appearing for the respondent opposes for grant of bail on the ground that though the petitioner has been shown as A2, the investigation reveals that the petitioner is the main accused-A1 and the respondent police has recovered the contraband of 122 Kgs of Ganja from the Car, which is in possession of the petitioner and thereafter, the contraband has been seized.

5. Considering the rival submissions made.

6. The learned counsel for the petitioner has initially taken a stand that the investigation agency has not filed a final report and therefore, he is entitled for statutory bail under Section 37(b) of NDPS Act. However, the learned Central



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Government Standing Counsel submits that final report has already been filed and also taken on file by the trial Court. The other contention of the petitioner is that the petitioner is only a driver and his services have been availed by the other accused and he was not aware of the goods in the car of the petitioner and he further submits that the petitioner has no other bad antecedent. The learned counsel for the petitioner also relied on the various judgments of the Hon'ble Supreme Court.

7. Taking note of the provision under Section 37 of NDPS Act, the investigation agency has also collected the call details of the petitioner and it appears that the petitioner had contacted the other accused 120 times within a period of 2 days, after the contraband was recovered. Considering the materials and the provision of Section 37 (b) of NDPS Act, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, this Criminal Original Petition is dismissed.

sd/-
30/04/2024

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/05/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LS



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TO
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- 1 THE INTELLIGENCE OFFICER
NARCOTICS CENTRAL BUREAU,
CHENNAI ZONAL UNIT,
NCB F.NO. 48/1/21/2023/NCB MDS

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

ORDER
IN
CRL OP(MD) No.6739 of 2024
Date :30/04/2024

PKP/JGB/SAR /08.05.2024/ 4P/ 3C

Madurai Bench of Madras High Court is issuing certified
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