



CRL OP(MD). No.17573 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/10/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.17573 of 2024

M.Naina Mohamed,

... Petitioner/ Accused 2

Vs

Union of India Through Intelligence Officer,
Narcotics Control Bureau,
Chennai Zonal Unit,
Chennai in NCB
F No.48/1/12/2023/NCB/MDS.

... Respondent/ Complainant

For Petitioner : M/s.Kalantar Aasik Ahamadu.I.,
Advocate.

For Respondent : Mr.C.Arul Vadivel @ Sekar,
Special Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- To enlarge the Petitioner/ Accused No.2 on bail in CC No.65/2024 in F.No.48/1/12/2023/NCB/MDS, on the file of the Respondent Police and thus render justice.

ORDER : The Court made the following order :-

<https://www.mhc.tn.gov.in/judis> The petitioner / Accused, who was arrested and remanded to judicial custody



CRL OP(MD). No.17573 of 2024

on 18.08.2023 for the offences punishable under Sections 8(c) r/w. 20(b)(ii)(C), 25, 28 and 29(1) of NDPS Act in C.C.No.65 of 2024 in F.No.48/1/12/2023/NCB/MDS, on the file of the respondent police, seeks bail.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

3. The case is of commercial quantity. The learned counsel for the petitioner would submit that the petitioner is only an acting driver and was not in conscious possession of the contraband. Merely because he was engaged on that particular day to drive the vehicle, he has been added as an accused and now he is languishing in prison.

4. Per contra, the learned Special Public Prosecutor would submit that when the vehicle was intercepted, actually this petitioner was not driving the vehicle. Therefore, the fact that he is a driver is only mentioned as an excuse. This apart when the petitioner is travelling in the vehicle from which the contraband is seized and when the petitioner also has got one previous case of under NDPS Act, the version of the learned counsel was the petitioner cannot be believed.

5. Considering the fact that the recovery was also made from the petitioner and that the contraband is of commercial quantity, this is not a fit case for enlarging the



CRL OP(MD). No.17573 of 2024

petitioner on bail.

WEB COPY

6. Accordingly, this Criminal Original Petition is dismissed. Since the petitioner's prayer for bail is being dismissed, the prosecution shall ensure that the trial being conducted expeditiously and a copy of this order shall also be placed before the trial court to conduct the trial as expeditiously as possible.

sd/-

17/10/2024

/ TRUE COPY /

/11/2024

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

TRP

TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE
FOR EC AND NDPS ACT CASES,
PUDUKKOTTAI.

2 THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKKOTTAI.

3 THE INTELLIGENCE OFFICER,
UNION OF INDIA
NARCOTICS CONTROL BUREAU,
CHENNAI ZONAL UNIT,
CHENNAI IN NCB

4 THE SPECIAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



WEB COPY



CRL OP(MD). No.17573 of 2024

ORDER
IN
CRL OP(MD) No.17573 of 2024
Date :17/10/2024

SA/MMS/SAR. /05.11.2024/4P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.