



CRL OP(MD). No.18511 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 28/10/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.18511 of 2024

Mohammad Roshan

... Petitioner/1<sup>st</sup> Accused

Vs

The Intelligence Officer,  
Narcotics Central Bureau,  
Chennai Zonal Unit

Ncb.F.No.48/1/21/2023/NCB/MDS.

... Respondent/Complainant

For Petitioner : Mr.Renjith B.Marar, Advocate

For Respondent : Mr.C.Arul Vadivel @ Sekar  
For NCB Cases

PETITIONS FOR BAIL Under Sec.483 of BNSS

PRAYER :-

To grant bail to the petitioner in C.C.No.136 of 2024 on the files of the Principal Special Court for Trial of Narcotic Drugs and Psychotropic Substances Act Cases, Madurai arising out of NCB File No.48/1/21/2023/NCB/MDS of the NCB, Chennai.



CRL OP(MD). No.18511 of 2024

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ORDER : The Court made the following order :-

The respondent has registered a case as against the petitioner in NCB File No.48/1/21/2023/NCB/MDS, for the offence under Sections 8(C) r/w 20(b)(ii)(C), 28 and 29 of NDPS Act 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 Registration no.KA 51 MR 4118.

3.The earlier bail application filed by the petitioner was dismissed by this Court on 30.04.2024. This is the second application filed after a period of six months that though the earlier application was dismissed on 30.04.2024 and the final report was also filed, there is no progress in the trial.

4.The learned Counsel for the petitioner submits that the petitioner is only a Driver and he was not aware of the contraband in the vehicle. He has also referred to some statements recorded under Section 67 of the NDPS Act and attempted to project that the petitioner is an innocent.

5.However, this Court is not inclined to consider the statements recorded during the course of investigation for grant of bail to the petitioner that too when there is a specific allegation as against the petitioner that the petitioner as the Driver



CRL OP(MD). No.18511 of 2024

WEB COPY

of the car has transported 122 kg of Ganja. Though the petitioner claims that he was not aware of the Ganja inside the car, this Court is unable to accept the same that even 1kg of Ganja have its own odour.

6.The respondent police has filed the final report that the petitioner is the Driver of the Car bearing Registration No.KA 51 MR 4118, in which, the huge quantity of Ganja was recovered on 29.10.2023. The investigation is completed and final report was already filed and the same was taken on file as C.C.No.136 of 2024, before the Principal Special Court for trial of NDPS Act Cases, Madurai.

7.Considering this fact that the final report was already filed, this Court is also prepared dismiss this petition with a direction to the trial Court to conclude the trial within a stipulated time. However, the learned Counsel for the petitioner submits that the petitioner is not inclined to put some pressure on the trial Court and he is not expecting such a direction.

8.Since this Court has already considered the case of the petitioner in the light of the provisions under Section 37 of the NDPS Act, this Court is not inclined to grant bail to the petitioner. On this ground alone, this criminal original petition is dismissed.



CRL OP(MD). No.18511 of 2024

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9. Since this Court is rejecting this bail application, it is the responsibility of the trial Court to conduct the trial and conclude the same as expeditiously as possible. The respondent police is also expected to produce the witnesses without fail before the trial Court.

sd/-  
28/10/2024

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/ 11 / 2024  
Sub-Assistant Registrar (C.S. I / II / III / IV)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

LR

TO

1 THE JUDGE  
PRINCIPAL SPECIAL COURT FOR TRIAL OF NARCOTIC DRUGS AND  
PSYCHOTROPIC SUBSTANCES ACT CASES, MADURAI

2 THE SUPERINTENDENT,  
CENTRAL PRISON, MADURAI.

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

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



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ORDER  
IN  
CRL OP(MD) No.18511 of 2024  
Date :28/10/2024

PSP/ SKN /SAR /08.11.2024/ 5P/ 5C

Madurai Bench of Madras High Court is issuing certified  
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