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CrI.OP.No.2684 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.OP.No.2684 of 2025

R.Senthil Kumar

... Petitioner/A2

Vs.

Union of India,
through the Intelligence Officer,
Narcotics Zonal Unit,
Chennai.

[R.R.No.23 of 2023

NCB F.NO.48/1/10/2023 NCB/MDS] ... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 483 of Bharatiya Nyaya Sanhita, 2023, to grant an order of bail in C.C.No.652 of 2024 on the file of the Principal Sessions Court, Chennai (Special Court for exclusive trial of cases under the EC and NDPS Act).

For Petitioner : Mr.M.Seeni Sulthan

For Respondent : Mr.N.P.Kumar,
Special Public Prosecutor (NCB)

ORDER

This Criminal Original Petition has been filed by the petitioner, who



was arrested and remanded to judicial custody on 27.07.2023 seeking bail in connection with the case in R.R.No.23 of 2023 (NCB F.NO.48/1/10/2023 NCB/MDS) registered for the offence under Sections 8(c) r/w 20(b)(ii)(c), 25, 28 and 29 of NDPS Act, 1985.

2. The case of the prosecution is that on secret information, on 24.07.2023 at 5.00 p.m., the respondent intercepted the lorry driven by the first accused and on search found the petitioner along with the first accused were in possession of 432.700 kgs of Ganja and the other accused were implicated on the confession of the first accused. The petitioner herein is the second accused.

3. The learned counsel for the petitioner would submit that the petitioner is innocent; that the petitioner is working as a cleaner and has nothing to do with the alleged offence; that he has been implicated in this case on the confession of the co-accused; that some of the co-accused has been released on bail in Crl.OP.Nos.16517 of 2024, 25507 of 2024 and 28034 of 2024, by orders of this Court dated 01.10.2024, 28.10.2024 and



04.12.2024 respectively and on parity, he prayed for bail to the petitioner.

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4. The learned Special Public Prosecutor, appearing for the respondent police, vehemently opposed the grant of bail and submitted that huge quantity of contraband was found in possession of this petitioner and the first accused and unless the petitioner satisfies the twin conditions under Section 37 of the NDPS act, he is not entitled to bail.

5. According to the prosecution, the petitioner along with the first accused was found in possession of 432.700 kgs of ganja and hence, he is bound to satisfy the twin conditions under Section 37 of the NDPS Act.

6. It is seen that the co-accused were released on bail because, no contraband was seized from their possession and hence, this Court is not inclined to grant bail to the petitioner, at this stage. However, the petitioner cannot be incarcerated indefinitely during trial. The trial Court shall conclude the trial as expeditiously as possible. If the trial is not completed within a period of six months from the date of receipt of a copy of this



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order, the petitioner shall be at liberty to renew the bail petition. However, if there is any change in circumstances, the petitioner is at liberty to renew his bail application earlier.

7. With the above directions, the Criminal Original Petition stands dismissed.

15.04.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No

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To

1. The Intelligence Officer,
Narcotics Zonal Unit,
Chennai.

2. The Public Prosecutor,
Madras High Court,
Chennai.



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SUNDER MOHAN, J.

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