



Crl. O.P. Nos.2724 and 4721 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 04.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl. O.P. Nos.2724 and 4721 of 2025

Vipinraj

... Petitioner/Accused No.2
[Crl. O.P. No.2724 of 2025]

Abhiram

... Petitioner/Accused No.3
[Crl. O.P. No.4721 of 2025]

Vs.

Union of India
Represented by its Jr. Intelligence Officer,
Narcotics Control Bureau,
Chennai Zonal Unit,
RR.No.32/2022
Chennai

... Respondent/Complainant in
Crl.O.P.No.2724 of 2025

Union of India,
The Intelligence Officer,
NCB, Chennai.

... Respondent/Complainant in
Crl.O.P.No.4721 of 2025

COMMON PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C/483 of BNSS, pleaded to enlarge the petitioners on bail, in connection with the case in C.C.No. 314 of 2023 on the file of the respondent police.



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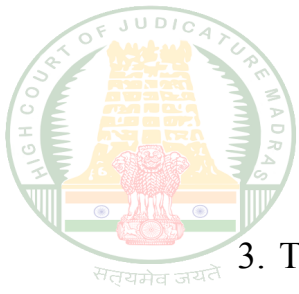
For Petitioner in Crl.O.P.No.2724 of 2025 : Mr.S.Kasirajan
For Petitioner in Crl.O.P.No.4721 of 2025: Mr.O.Chembulingam

For Respondent : Mr.N.P.Kumar, [Both Crl. O.Ps.]
Spl PP for DRI Cases

COMMON ORDER

This Criminal Original Petitions have been filed by the petitioners, who were arrested and remanded to judicial custody on 26.07.2022 and 03.09.2022 respectively, seeking bail in connection with the case in C.C.No.314 of 2023, registered for the offences under Sections 8(c) r/w 20(b)(ii)(c), 25, 27(A), 28 and and 29 of NDPS Act and 8(c) r/w 20(b)(ii)(c), 27A, 28 and and 29 of NDPS Act respectively.

2. The case of the prosecution is that the petitioners A2 and A3 along with the first accused were found in possession of 65.540 kgs of Ganja which was transported by them in a car and on seeing the police, they fled away from the scene of occurrence. Hence the case.



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3. This is the fourth bail petition filed by A2 and second bail application filed by A3 before this Court. The earlier bail applications in Crl.OP.Nos.3863, 16083, 22475 of 2024 filed by A2 were dismissed by this Court on 13.03.2024, 08.08.2024 and 23.10.2024 respectively and Crl.O.P.No.5883 of 2024 filed by A3 was dismissed by this Court on 12.04.2024.

4. The learned counsel appearing for the petitioners/accused would submit that considering the period of incarceration and the fact that similarly placed co-accused were granted bail by this Court Crl.O.P.No.7541 of 2023 dated 17.07.2023 and in Crl.O.P.No.13690 of 2024 dated 25.06.2024.

5. The learned Government Advocate (Crl.Side), per contra, vehemently opposed the grant of bail stating that the petitioners A2 and A3 along with the first accused were found in possession of 65.540 kgs of Ganja; that the trial is at the stage of framing charges and 11 witnesses have been so far examined by the prosecution; that the trial will be completed soon and sought for dismissal of the bail petition.

6. This Court has carefully considered the rival submission and perused the records.



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7. The Hon'ble Supreme Court in ***Rabi Prakash vs. State of Odisha*** reported in **2023 SCC Online SC 1109**, has held as follows:

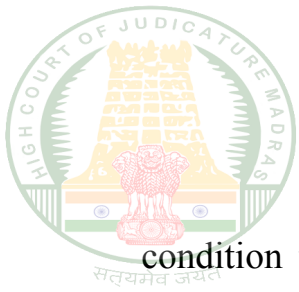
“4.....The Prolonged incarceration, generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such a situation, the conditional liberty must override the statutory embargo created under Section 37(1)(b) of the NDPS Act.”

8. Further, in ***Ankur Chaudhary vs. State of Madhya Pradesh*** in **Special Leave to Appeal (Crl).No.4648 of 2024**, the Hon'ble Supreme Court had held as follows;

“6..... It is to observe that failure to conclude the trial within a reasonable time resulting in prolonged incarceration militates against the precious fundamental right guaranteed under Article 21 of the Constitution of India, and as such, conditional liberty overriding the statutory embargo created under Section 37(1)(b) of the NDPS Act may, in such circumstances, be considered”

9. The petitioners are in custody from 26.07.2022 and 03.09.2022 respectively and they have no bad antecedents. The co-accused (Vishnu-A1) similarly placed, was granted bail on 22.01.2025 by Hon'ble Mr. Justice P.Dhanabal in Crl.O.P.No.31224 of 2024. Hence, taking note of the aforesaid facts and the aforesaid observations of the Hon'ble Supreme Court, this Court is inclined to grant bail to the petitioner with certain conditions.

10. Accordingly, the petitioners are ordered to be released on bail on



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condition to execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand**

only) each with two sureties, each for a like sum to the satisfaction of the **learned**

Principal Special Judge for NDPS and EC Act Cases, Chennai, and on further

conditions that:-

(a) the petitioners shall report before the concerned NDPS Court, Chennai, on all working days at 10.30 a.m., until further orders.

(b). the petitioners shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected.

(c). the petitioners 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 them from disclosing such facts to the Court or to any Police office;

(d) the petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail

SUNDER MOHAN., J.

msv/ak



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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];***

(f) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

04.04.2025

msv/ak

To

- 1.The Principal Special Judge for NDPS and EC Act Cases, Chennai.
- 2.The Jr. Intelligence Officer, Narcotics Control Bureau, Chennai Zonal Unit, Chennai.
- 3.Union of India, The Intelligence Officer, NCB,Chennai.
- 3.The Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor, High Court, Madras

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