



Crl.O.P.No.7563 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.7563 of 2025

I.Appas

.. Petitioner

Vs.

State rep. by
The Inspector of Police
Union of Jr.Intelligence Officer
NCB, Zonal Unit, Chennai
F.No.48/1/05/2024-NCB/MDS

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner on bail in F.No.48/1/05/2024-NCB/MDS on the file of respondent police.

For Petitioner : Mr. C.Deepak Kumar

For Respondent : Mr.N.P.Kumar,
Spl. Public Prosecutor for NCB Cases

ORDER

The petitioner, who was arrested and remanded to judicial custody on 18.02.2024, for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C), 28, 29 of NDPS Act, 1985 amended and punishable under Section 8(c) r/w 20(b)(ii)(C), 28, 29 of NDPS Act, 1985 in F.No.48/1/05/2024-NCB/MDS, on the file of the respondent police, seeks bail.

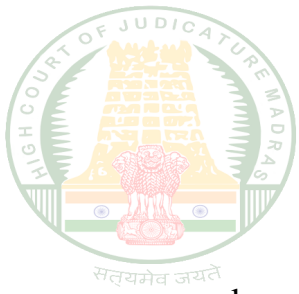


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2. The case of the prosecution is that based on the secret information with regard to transportation of ganja, the respondent police intercepted the vehicle bearing registration No. TN 25 CE 355 and found that the petitioner along with other accused were found to be in illegal possession of 272 Kgs of Ganja. Hence, the case.

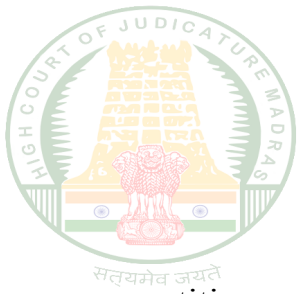
3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner is in no way connected with the alleged offence. It is the contention of the petitioner that he is the driver of the escort car bearing registration No. TN 43 B1001. According to the petitioner, he was previously running a transportation business but sustained heavy losses. Therefore, he joined A4 as a driver in a lorry service. It is his contention that A4, being the owner, instructed the petitioner to drive the escort car and hence, he travelled along with A4. When the car reached near Christianpet Police Check Post near Katpadi, Vellore, the vehicle was stopped and checked. According to the petitioner, A4 disclosed that a lorry bearing registration No. TN 25 CE 355 was following 4 km behind the escort car and 272 Kgs of Ganja were being transported in that lorry. After sometime, the said lorry, driven by A1 and A2,



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was also stopped in which the seizure was made. The petitioner claims that no seizure was made from him and the information about the contraband was disclosed only by A4 and not by the petitioner. He further contented that in this case, other three accused have already been granted bail. He submits that the petitioner is suffering incarceration from 18.02.2024. He also submits that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Special Public Prosecutor appearing for the respondent police, strongly opposed the contentions of the petitioner and filed a counter. He submitted that A1, A2 and A4 were granted statutory bail in Crl.M.P.No.1824 of 2024, Crl.M.P.No.1855 of 2024 and Crl.M.P.No.1854 of 2024 based on an incorrect premise that charge sheet had not been filed within the statutory period whereas in fact, charge sheet had been filed. Therefore, cancellation of bail petitions have been filed against them. He also submits that co-accused in this case are evading service of notice and have absconded. If the petitioner is granted bail, he too may abscond thereby, stalling the proceedings. He submits that the arrest and the seizure were made in the presence of witnesses following the conditions stipulated under the Act. The forensic report chemically confirms that the seized articles are ganja. Hence, he strongly opposed for grant of bail to the



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petitioner.

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5. Heard both sides and perused the materials available on record.

6. Considering the above facts and circumstances of the case, nature of allegations, taking note of the submission made by the learned Special Public Prosecutor and considering the fact that co-accused in this case are absconding, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the Criminal Original Petition stands dismissed.

04.07.2025

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To

1. The Inspector of Police
Union of Jr.Intelligence Officer
NCB, Zonal Unit, Chennai

2. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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