



CrI.O.P.No.5497 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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RESERVED ON : 10.07.2025

DELIVERED ON : 05.08.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.5497 of 2025

Danaraju Pilli

... Petitioner/A3

Vs.

State by its
Inspector of Police,
NCB, Chennai Zonal Unit,
Chennai.
(R.R.No.35 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner on bail in
R.R.No.35 of 2024 on the file of the respondent police.

For Petitioner : Mr.K.G.Senthil Kumar

For Respondent : Mr.N.P.Kumar
Special Public Prosecutor



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ORDER

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The petitioner arrested and remanded to judicial custody on 20.05.2024, for the offences punishable under Sections 8(c) r/w 20(b)(ii)(c), 28 and 29 of Narcotic Drugs & Psychotropic Substances Act, 1985 in connection with R.R.No.35 of 2024, registered on the file of the respondent, seeks bail.

2.1. The case of the prosecution is that on 18.05.2024, secret information received that three persons, namely, A1/Nani Babu, A2/Nagamalleshwara Rao and A3/Dhanaraju Pilli and their accomplices, all residents of Andhra Pradesh, are transporting huge quantity of Ganja in a white colour MG Hector SUV car bearing registration No.AP-39-DG-8558 escorted by another White colour RITZ car bearing registration No.AP-16-CL-1132 and the Ganja is to be delivered to an unknown person in Chennai. The respondent after getting permission from the superior officer mounted surveillance at Outer Ring Road, Morai Junction, Avadi, Chennai, at about



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15.30 hours the officers of NCB identified the white colour MG Hector SUV

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vehicle and white colour Ritz vehicle. Both vehicles were intercepted and the drivers were signalled to park their vehicles to the left side of the highway.

The MG Hector SUV vehicle driven by the petitioner and the white colour Ritz vehicle driven by Nagamalleshwara Rao/A2 and his co-occupant is A1/Nani Babu. When they were questioned, they were reluctant initially and later disclosed transportation of huge quantity of Ganja in the MG Hector SUV vehicle. A1/Nani Babu opened the back dickey of the white colour MG Hector SUV vehicle. On opening the back of the said car, they found there were many packets filled with Ganja stacked in the Dickey, which was cut open found brownish green colour dry leaves with flowering tops. The NCB official took a small piece of dry leaves and tested it with drug detection kit, which confirmed the packet contains Marijuana (Ganja). Thereafter all the packets opened, samples taken and packets weighed separately found 111 packets weighing around 225.400 kgs. of Ganja. Thereafter, notice under Section 67 of NDPS Act issued to all the three accused and they were taken



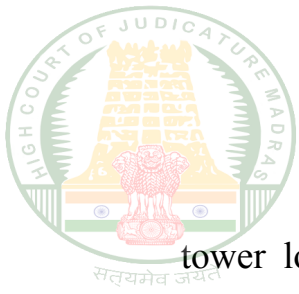
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to the NCB office, where they gave voluntary statements conforming

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sourcing of Ganja in Andhra Pradesh and transporting to Chennai.

2.2. A1 admitted that he came in contact with one Shaikh/A4 and for him the Ganja was smuggled and transported. A1 hired MG Hector SUV vehicle, took the vehicle and was waiting under a fly over in Korukonda Road, Rajahmundry, where a Tata Ace Truck approached the car of A1 and three persons in the truck unloaded 111 packets of Ganja from the truck and immediately loaded in A1's car. Then A1 drove the car to Kovuru, where A2/brother-in-law of A1 and the petitioner were waiting for him in white colour Ritz car owned by A2. The petitioner was working in APSRTC as bus driver on contractual basis, where A1 is also working. Thereafter the MG Hector SUV car handed over to the petitioner to drive towards Chennai and A1 and A2 escorted the Hector car in Ritz car. All the three confirmed that they were conscious about transporting Ganja of huge quantity, later they were arrested. The contraband produced before the learned Magistrate, samples were sent for chemical examination, the mobile phone seized, the



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tower location and WhatsApp chats confirmed the involvement of all the three accused and after collecting evidence and recording statement of witnesses, complaint filed in R.R.No.35 of 2024. The learned Special Judge for EC and NDPS Act Cases, Chennai on perusal of the complaint with Annexurs, took the complaint on file in C.C.No.960 of 2024.

3.1. The contention of the learned counsel for petitioner/A3 is that the petitioner was working as driver in APSRTC on contractual basis and A1 was also working along with him. The petitioner also working as acting driver whenever he was free. The petitioner was engaged as an acting driver by A1 and he had no knowledge about what was loaded in the vehicle and the conversation were between A1 and Shaikh/A4. The petitioner never in conscious possession of the contraband. The admitted position of the prosecution is that it was only A1, who got down from the car, opened the dickey and disclosed the concealment of Ganja. The petitioner was never questioned about the transportation of any goods. From the mobile phone of



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petitioner, call details and WhatsApp chats verified. From the mobile phone

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of A1, the WhatsApp chats between A1 and Shaikh/A4 and sharing his location revealed. From the statement of the petitioner there is no disclosure made. The admitted case of the petitioner is that the disclosure statement of A1 was recorded on 19.05.2024 at 22.30 hours, A2 was recorded at 23.00 hours and that of the petitioner at 23.30 hours. From the statements of A1 and A2, all the disclosures made and from the petitioner no disclosure or recovery made. Hence, no reliance can be placed on the petitioner's statement under Section 67 of NDPS Act.

3.2. He further submitted that in this case A1/Nani Babu was granted bail by this Court in Crl.O.P.No.28134 of 2024 on 21.01.2025. The petitioner stands on a better footing except being a driver of the car. The petitioner had nothing to do with the transportation and smuggling of Narcotics substance. The learned counsel places reliance on the decision of Hon'ble Apex Court in the case of *Dheeraj Kumar Shukla vs. State of Uttar Pradesh* reported in



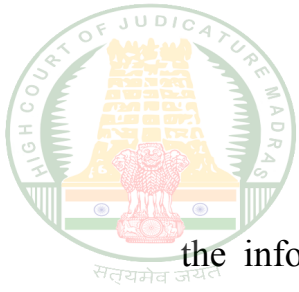
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2023 SCC OnLine SC 918, wherein, the Hon'ble Apex Court in a similar

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situation had granted bail to the petitioner therein finding that some of occupants of the car had been granted bail and in the absence of any criminal antecedents, keeping the petitioner in custody for a long period would serve no purpose. In this case admittedly there is no material to show that petitioner was in conscious possession and transportation of Ganja. The petitioner was arrested on 20.05.2024 and he is in prison for more than one year. Though charge sheet filed in this case, the trial is yet to proceed. He further submitted that in this case one more accused is absconding and hence, the likelihood of trial to proceed in near future is remote. Hence, he prayed for grant of bail to the petitioner.

4.1. The learned Special Public Prosecutor appearing for the respondent police filed his counter, produced the copy of charge sheet and submitted that on getting specific information, the officers of NCB, Chennai kept watch near Outer Ring Road, Morai Junction, Avadi. At that time, as per



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the information, two vehicles, namely, white colour MG Hector SUV car

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bearing registration No.AP-39-DG-8558 and another White RITZ car bearing

registration No.AP-16-CL-1132 both intercepted. The petitioner was driving

MG Hector SUV car and the White RITZ car was driven by

Nagamalleshwara Rao/A2 along with Nani Babu/A1. On enquiry, A1 opened

the dickey of MG Hector SUV car, in which, 111 packets of Ganja found.

Drug detection kit confirmed the same. Thereafter, summons under Section

67 of NDPS Act served to the accused persons. The petitioner and other

accused taken to the NCB office, where they gave their admission statement,

samples taken and sent to Forensic Lab. The Forensic report confirmed

packets contained Ganja. Totally 225.400 kgs. of Ganja recovered from white

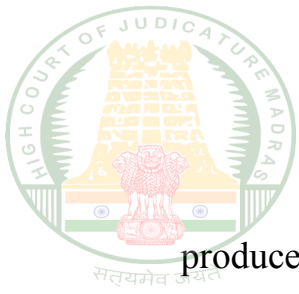
colour MG Hector SUV car driven by the petitioner. The statement of A1

under Section 67 of NDPS Act recorded on 19.05.2024 at 22.30 hours, A2 at

23.00 hours and A3 at 23.30 hours. The accused arrested, produced before the

learned Judicial Magistrate, Ambattur on 20.05.2024 and they were remanded

to judicial custody. The contraband, vehicles, mobile phones all were



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produced before the remanding Magistrate and later produced before the

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Special Court for EC and NDPS Act Cases, Chennai. The contraband seized

from white colour MG Hector SUV car bearing registration No.AP-39-DG-

8558 was driven by the petitioner. The petitioner had regular contact with

both the accused/A1 and A2 throughout from 15.05.2024 to 18.05.2024 till

they were intercepted. Thus, it would prove that all the accused were in

constant touch with each other and they consciously smuggled and

transported huge quantity of Ganja from Andhra Pradesh to Chennai. The call

details, tower location and the WhatsApp chats confirm the petitioner and

other accused were to Chennai to deliver the contraband to one Shaikh/A4. In

fact, the Shaikh/A4, who came in Ford car was waiting for them. There were

two persons in the car. One person got into the Hector car, later he directed

the petitioner to wait near a location. In the meanwhile, the interception and

search made. The Shaikh/A4 is now absconding, search being made to

apprehend the main accused to find out the receiver and where the contraband

was intended to be delivered.



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4.2. He further submitted that in this case A1 was granted bail on the ground that he had not in the MG Hector SUV car, in which the contraband seized and A1 was travelling Ritz car escorting the Hector car and no seizure was made from the Ritz car, the same benefit cannot ensure to the petitioner. With regard to the citation referred, the petitioner therein was in custody for two years and trial not commenced. Hence, he strongly opposed for granting bail to the petitioner.

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

6. Considering the submissions made and on perusal of the material, it is seen that the petitioner is the driver of MG Hector SUV car, in which 111 packets of contraband of Ganja, weighing around 225.400 kgs seized. From Section 67 statement of the petitioner and the other two accused, it is seen that the petitioner was a contract driver in APSRTC, A1 was also employed in APSRTC. Thus, the petitioner knew A1, A2 is the brother-in-law of A1. The



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entire transaction and the conversation for the contraband and deal was

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between A1 and one Shaikh/A4 and the tower location and WhatsApp chats

confirms the same. It is the case of the prosecution that A1/Nani Babu hired

MG Hector SUV car bearing Registration No.AP-39-DG-8558 from one Sri

Devi, owner of Car Travel Agency, Nidadavolu, West Godavari District,

Andhra Pradesh and he took the vehicle on 18.05.2024 at 12.00 a.m. as per

plan and he was waiting under a fly over in Korukonda Road, Rajahmundry.

There a Tata Ace Truck approached and from that vehicle Ganja was

unloaded and loaded into the Hector car and thereafter the car was driven by

A1 to Kovuru, where A2 and petitioner were waiting in the Ritz Car.

Thereafter, the MG Hector SUV car handed over to the petitioner and he

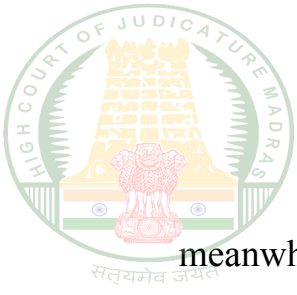
drove the car to Chennai. Hence, the conscious possession and transportation

of Ganja by the petitioner becomes doubtful. When the car reached Naidupet,

throughout the journey it was A1, who was in constant touch with absconding

accused Shaikh/A4 and in Naidupet A1 met Shaikh/A4. Thereafter, as per the

direction of A4, the car was to be parked in an isolated place. In the



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meanwhile, interception by the NCB officials done. It is reminded that the petitioner studied only upto 7th standard and he can speak only Telugu.

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7.Considering A1 already granted bail and the petitioner's period of incarceration and now investigation completed and one of the accused absconding and it will take sometime for the trial to proceed, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **II Additional Special Court under EC and NDPS Act, Chennai** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy



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of any one of the identity proofs to ensure their identity;

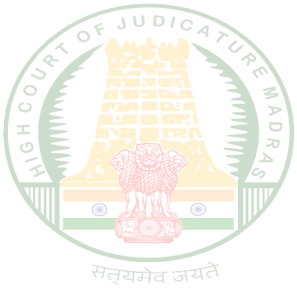
[b] the petitioner shall report before the trial Court on every Monday and Friday at 10.30 a.m., till the charges are framed and thereafter on all hearing dates without fail;

[c] the petitioner shall make himself available for interrogation by the respondent as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for custody, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions have been imposed and the petitioner released on bail 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)13 SCC 283]**;



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[g] If the accused thereafter absconds, a fresh FIR can

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be registered under Section 269 of B.N.S.

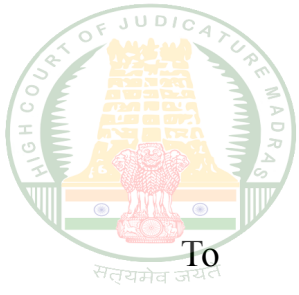
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Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.

2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.



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To

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1.The II Additional Special Court under EC and NDPS Act,
Chennai.

2.The Inspector of Police,
NCB, Chennai Zonal Unit,
Chennai.

3.The Superintendent,
Central Prison, Puzhal,
Chennai.

4.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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**Pre-delivery order in
Crl.O.P.No.5497 of 2025**

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