

Crl.O.P.No.10038 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Reserved on: 01.09.2025

Delivered on: 15.09.2025

CORAM

THE HONOURABLE Dr.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.10038 of 2025

V.Lakshman (Male, aged 40 years),
Son of Vellaisamy Thava.,
No-1, 6th Street, K.S.Nagar,
Kavangarai,
Chennai.

... Petitioner/Accused No. 4

/versus/

Union of India,
Through Intelligence Officer,
Narcotics Control Bureau,
Chennai Zonal Unit,
Chennai.

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C., to enlarge the petitioner on bail in connection with C.C.No.226 of 2022 pending on the file of the Hon'ble Court of the Special Judge for NDPS Act cases, Chennai.

For Petitioner : Mr.T.Dharani.

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



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ORDER

The petitioner, who arrested and remanded to judicial custody on 09.02.2022 for offences punishable under Sections 8(c) and 22(C), 25, 27A, 28 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, as amended and punishable under Section 8(c) read with Section 22(c) and 29 of NDPS Act, in C.C.No.226 of 2022, registered on the file of the respondent, seeks bail.

2. The petitioner herein is arrayed as the 4th accused in C.C.No.226 of 2022 on the file of Special Court for NDPS Act cases, Chennai.

3. The petitioner was arrested on 09.02.2022 in connection with seizure of 11 Kgs of *Methamphetamine* from a truck bearing Reg.No.TN-18-AD-1478, which was transported from Moreh *via* Guwahati to Chennai. Based on the confession statement of K.Sivanandham (A1), who is the truck driver, the petitioner/V.Lakshman was arrested for funding the purchase of the contraband.

4. The Learned Counsel appearing for the petitioner submitted that the confession statement of the co-accused recorded under Section 67 of NDPS



Act cannot form basis for convicting an accused under the NDPS Act. This legal position has been well reinforced by the Hon'ble Supreme Court in ***Tofan Singh vs. State of Tamil Nadu*** reported in ***AIR 2020 SC 5592***. Insofar as this petitioner is concerned, except the confession statement of the co-accused, there is no other incriminating material against him. Therefore, the twin conditions imposed under Section 37 of NDPS Act, is fully satisfied in this case. That apart, the petitioner was never issued with any summons on 07.02.2022, as alleged by the respondent. He was forcible taken to the office of the Respondent and illegally taken into custody, Also, the self-contradictions regarding seizure of contraband without any independent witness throws suspicion over the alleged recovery.

5. Further, the Learned Counsel for the petitioner submitted that in a bail petition filed by co-accused, this Court had fixed three months time to complete the trial. However, till date, the prosecution has not completed the trial. On that ground, one of the co-accused was released on bail and the same parity ought to be applied for this petitioner.

6. After notice, the Learned Special Public Prosecutor filed detailed



counter stating that, based on the specific information, the officials of the NCB intercepted a truck bearing Reg.No.TN-18-AD-1478, near M/s.Viki Industries Private Limited, Gummudipondi. From the possession of K.Sivanandham (A1) the driver, 11 kgs of white colour crystalline substance believed to be *Methamphetamine* was recovered. The owner of the truck was found to be one Partheeban, a Sri Lankan National, who was following the truck in a bus. The NCB officials intercepted the bus and apprehended the said Partheeban (A5).

7. The statement of K.Sivanandham (A1) and M.Partheeban (A5) were recorded. A5 revealed that their associates T.Sathish Kumar (A2) and S.Ajay (A3), were at Ariyalur. Further, Partheeban (A5) revealed that this petitioner V.Lakshman and one Katheeswaran (A6) were the persons who had mediated the purchase and arranged the transport of *Methamphetamine* for commission. The phone numbers of Lakshman (the petitioner herein) and Katheeswaran was given by Partheeban (A5). Thereafter, this petitioner Lakshman and Katheeswaran were summoned to the NCB office for recording their statements. The resident premises of the other suspect, T.Sathish Kumar searched resulting in the seizure of incriminating materials, namely Indian Currency, Srilankan Currency and two mobile phones on 07.02.2022. The



investigation has disclosed that this petitioner had mediated the purchase of *Methamphetamine* which was seized during the search.

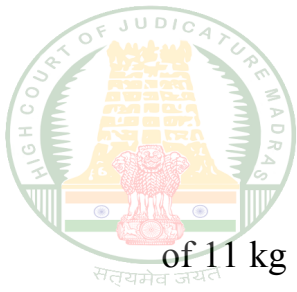
8. In the counter, it is stated that the prosecution has collected evidence to show that this petitioner, along with K.Sivanandham (A1) and Ajay (A3), was present in Manipur Guwahati during the period from the third week of January 2022 to the first week of February 2022. The petitioner was in frequent contact with K.Sivanandham (A1), the truck driver and M.Pratheeban (A5). It is alleged that they conspired to transport *Methamphetamine* from Manipur with intent to export it to Srilanka without valid license or document through Chennai. In furtherance of the said conspiracy, a truck bearing Reg.No.TN-18-AD-1478 was purchased by T.Sathish Kumar (A2) but registered in the name of Partheeban (A5). The said vehicle was used for transporting the contraband from Manipur to Chennai. Sivanandham (A1), the driver of the vehicle gone to Guwahati on 14.01.2022, collected the contraband from Ajay (A3) who was staying in a hotel. The call detail records of the conspirators during the relevant point of time prove their complicity in the commission of the crime.



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9. As far as this petitioner is concerned, he had actively participated in the crime by playing pivotal role in the commission of the crime. The money for procuring the contraband been transferred through hawala transactions.

10. According to the prosecution, a sum of Rs.24,18,131.00 was credited through Yes Bank account to M.Pratheeban's [A-5] bearing Account No.L74I155000068322, maintained with KVB, Perungudi Branch, on 27.12.2021. He has withdrawn the money through self-cheque and amount transferred to S.Ajay [A-3] and T.Satishkumar [A-2]. The said withdrawn amount was transferred through Hawala/Hundiyaal to V.Lakshmanan [A-4], and further handed over to Mariya Soosai Alphonse @ Siyan [A-7] for procurement of the seized *Methamphetamine* by T.Satish Kumar [A-2]. It is clear that he has received money from his associates, which he used for the purpose of facilitating narcotics transactions. It is revealed from the call details records that the petitioner and other accused persons were present at Guwahati during the period from third week of Jan-2022 to first week of Feb-2022 and their frequent contacts between this period, which makes it evident that they have conspired with each other and enter into the criminal conspiracy for procurement, possession, financing, Inter-state transportation, attempt to export



of 11 kg of *Methamphetamine* from Manipur via Chennai to Srilanka.

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11. The Learned Special Public Prosecutor for the respondent submitted that the prosecution has completed examination of witness and the matter now posted for questioning the witnesses/accused under Section 313 of Cr.P.C. In the meantime, the petitioners have filed an application seeking recall of witnesses. Hence, there is some delay in further progress of the trial. However, the delay is only due to the accused. Hence, the guidelines laid down by the Hon'ble Supreme Court with regard to grant of bail on the ground of long incarceration not applicable to the present case.

12. This Court, on considering the objection raised by the Learned Special Public Prosecutor and the judgment of the Hon'ble Supreme Court regarding grant of bail in cases of NDPS offences involving commercial quantity, as well as the bail orders granted to some of the co-accused for various reasons, is of the view that, insofar as this petitioner is concerned, he has been actively involved in the crime right from procuring the contraband from Guwahati and transporting it to Chennai, as a conduit for the transfer of money.



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13. There is a reasonable belief that this petitioner has involved in the crime of drug trafficking involving commercial quantity. Hence, In view of the statutory bar under Section 37 of NDPS Act, bail cannot be granted, when there is a reasonable belief that the petitioner has committed offences punishable under Sections 8(c), 22(C), 25, 27A, 28 and 29 of NDPS Act.

14. Accordingly, this Criminal Original Petition stands dismissed.

15.09.2025

bsm

To,

1. The Special Judge for NDPS Act cases, Chennai.
2. The Intelligence Officer, Narcotics Control Bureau, Chennai Zonal Unit, Chennai.
3. The Puzhal Prison, Chennai.
4. The Public Prosecutor, High Court of Madras.



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Dr. G.JAYACHANDRAN, J.

bsm

Pre-delivery order made in
CrI.O.P.No.10038 of 2025

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