



CrI.O.P.No.7971 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.7971 of 2025

Pradeep Naik

.. Petitioner

Vs.

Union of India
Through Intelligence Officer
NCB, Chennai Zonal Unit
Chennai

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner on bail pending trial in
C.C.No.170 of 2021 on the file I Additional Special Judge for NDPS Act,
Chennai.

For Petitioner : Mr.T.S.Sasikumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on
12.11.2020, for the offence punishable under Sections 8(c) r/w 20(b)(ii)(C), 28
and 29 of NDPS Act, 1985 facing trial in C.C.No.170 of 2021 on the file I
Additional Special Judge for NDPS Act, Chennai, seeks bail.



Crl.O.P.No.7971 of 2025

WEB COPY

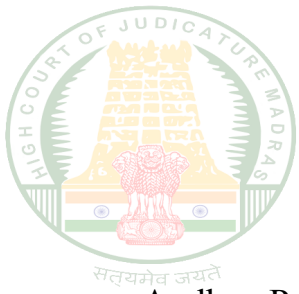
2. The case of the prosecution is that on 12.11.2020 at about 9.00 hours, an Eicher lorry bearing registration No.AP 05 Y 4473 was intercepted near Karanodai Toll Plaza and 288.500 Kilograms of Ganja recovered from the lorry which was driven by A1 and the contraband seized by the respondent police. Hence, 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. It is the contention of the petitioner that the respondent police arrested the petitioner/A2 along with one Jangatti Venkateshwaralu/A1 on 12.11.2020 for alleged possession of 288.500 Kgs of Ganja and projected the case as though both accused, concealed the contraband in a compartment of the vehicle for delivery from Rajamundhry to Tamil Nadu. Based on secret information, the respondent police intercepted the vehicle and after search, the contraband seized. The accused were produced before the Judicial Magistrate and later, charge sheet filed in C.C.No.170 of 2021 listing eight witnesses and the trial is currently in progress. It is his contention that the petitioner is in prison for over 4 years and 7 months. It is his further contention that earlier, the petitioner filed five bail applications in which Crl.O.P.Nos.2308 of 2021 and 702 of 2024 were withdrawn as not pressed,



Crl.O.P.No.7971 of 2025

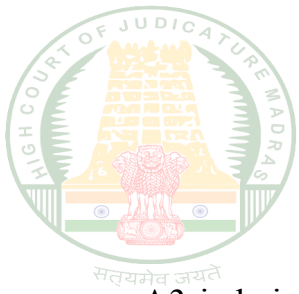
Crl.O.P.Nos.6603 and 21875 of 2021 dismissed for the reason that the contraband seized is huge quantity and Crl.O.P.No. 5030 of 2024 was dismissed for the reason trial commenced and the seized contraband is of commercial quantity. While dismissing, this Court observed that four witnesses already examined but the petitioner had failed to cross-examine them hence, dismissed the bail application with direction to trial court to dispose of the case within a period of four months from 02.04.2024 however, the case is pending without any progress. He further submitted that A1 in this case filed a bail application before the Hon'ble Apex Court in SLP.No.16070 of 2023 and the Hon'ble Apex Court, by order dated 31.01.2024, considering the period of incarceration undergone by the petitioner therein/A1 ie., more than three years, he was enlarged on bail. He further submits that in this case, A3 is currently confined at Central Prison, Rajamundhry due to his involvement in another case in the State of Andhra Pradesh and evidence are recorded in the absence of A3. He further submits that when A3 files a petition to recall the evidence which was recorded in his absence, there is every likelihood of re-examining the witnesses which would further delay. The trial as petitioner would be confined in prison for longer period for no fault of him. It is his further contention that as per the counter filed by the respondent, four other cases registered against the petitioner in the State of



Crl.O.P.No.7971 of 2025

Andhra Pradesh, out of which two cases are under Prohibition (IMFL)(Excise) (Illicit Liquor) and A.P.Excise Act, 1968 for the offence of Excise (Country Liquor), one is under Essential Commodities Act and lastly a case of cheating. The learned counsel further submitted that the petitioner was acquitted in two prohibition cases and he is unaware of the status of the remaining cases. In any event, the petitioner can claim set off in those cases. He further submitted that the petitioner is ready to abide by any 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, submitted that there are totally eight witnesses, out of which four witnesses examined and four more witnesses to be examined. He confirmed that A1 in this case was enlarged on bail by the Hon'ble Apex Court by considering the period of incarceration undergone by A1 ie., more than three years. He also submits that the petitioner has four criminal cases registered against him in the State of Andhra Pradesh. Apart from that, during the period of his detention in the Central Prison, he was involved in another case in Crime No.171 of 2024. He further submits that petitioner is arrayed as A2 and A1/driver in this case was on wheels and both A1 and A2 travelled in the vehicle and 288.5 Kgs of ganja seized. He submits that

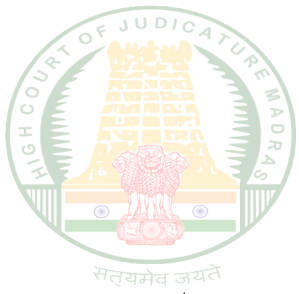


CrI.O.P.No.7971 of 2025

A3 is being produced during the trial from Rajamundhry prison. A3 not engaged any counsel so far with intention to drag the proceedings. The prosecution cannot be faulted for the delays caused by A3. Further, the petitioner herein is facing trial for abetment and conspiracy with A3 and hence, it is for the petitioner to ensure the case progress and A3 participates in the trial. He also submits that in this case on 12.09.2023, P.W.3 was examined and a recall petition was filed later. Thus, the delay in trial is not on the prosecution side but on the petitioner and co-accused who are not cross examining the witnesses then and there but filing recall petition belatedly and contributed to the delay.

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

6. Considering the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side and on perusal of the materials available on record, it is seen that it is not in dispute that the petitioner was arrested on 12.11.2020 and A1, driver of the vehicle in this case, was on the wheels and the petitioner was accompanying A1, acted as cleaner to the vehicle. It is also not disputed that the petitioner is in prison for more than four years and 7 months and A1 in this case granted bail by the Hon'ble Apex Court in SLP.No.16070 of 2023 on 31.01.2024 for long confinement. In so far as A3 is concerned, he is currently confined in Central Prison, Rajamundry and he



CrI.O.P.No.7971 of 2025

not cross-examined the witnesses. As far as criminal antecedents cited by the respondent against the petitioner, four cases were registered against him out of which, two cases are under prohibition offences, one for cheating and another for public nuisance. The petitioner already acquitted in two prohibition cases and two other cases pending against him is not of serious in nature. Considering the long period of incarceration undergone by the petitioner i.e., nearly for four years and 7 months, this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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 learned **I Additional Special Judge for 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 of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report before the Trial Court everyday at 10.30 a.m., for a period of 30 days and thereafter, on the 1st working day of every month for a period of three months and thereafter, on all hearing dates



CrI.O.P.No.7971 of 2025

WEB COPY

without fail.

[c] The petitioner shall make himself available for interrogation by a Police Officer 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 police custody beyond the first fifteen days, 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]**;

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

30.06.2025

nr



CrI.O.P.No.7971 of 2025

WEB COPY

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.

To

1. The learned I Additional Special Judge for NDPS Act, Chennai
2. Union of India
Through Intelligence Officer
NCB, Chennai Zonal Unit
Chennai
3. The Superintendent,
Central Prison, Puzhal-II, Chennai.
4. The Public Prosecutor,
High Court, Madras.

M.NIRMAL KUMAR, J.

nr



WEB COPY



Crl.O.P.No.7971 of 2025

Crl.O.P.No.7971 of 2025

30.06.2025