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CRL OP No. 10522 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-07-2025

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THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 10522 of 2025

Sanjay Khan

Petitioner(s)

Vs

Union of India through
Intelligence Officer, NCB, Chennai
Zonal Unit, Chennai.

Respondent(s)

PRAYER

This Criminal Original Petition is filed to enlarge the petitioner on bail pending trial in CC.No.516 of 2024 on the file of the learned Principal Special Judge For NDPS Act Cases at Chennai.

For Petitioner (S): Mr.O.Chembulingam
For Respondent: Mr.N.P.Kumar,
Special Public Prosecutor

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 19.11.2023, for the offence punishable under Sections 8(c) read with Section 22(C), 23(C), 28 and 29 of NDPS Act, pending trial in C.C.No.516 of 2024, on the file of the learned Principal Special Judge for NDPS Act cases at Chennai, , seeks bail.



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2. The case of the prosecution is that on 17.11.2023, based on the secret information, the respondent Intelligence Officer rushed to the scene of occurrence and intercepted the accused and the contraband (3.056 kgs of Methamphetamine) was seized from the accused. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that only based on the confession statement recorded from the first accused, the petitioner was implicated in this case and there was no recovery from the petitioner. He also submitted that the petitioner is no way connected with the alleged offence and he has no nexus with the first accused from whom the contraband was seized. Learned counsel further submitted that the petitioner is suffering incarceration from 19.11.2023 and he is ready to abide by any stringent conditions that may be imposed by this Court for his release, hence, he sought for bail to the petitioner.

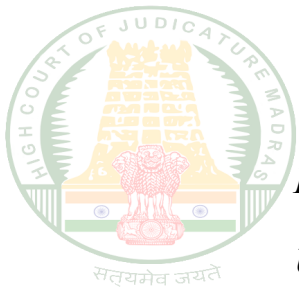


4. Mr.N.P.Kumar, the learned Special Public Prosecutor appearing for the

respondent has filed a detailed counter and the relevant paragraphs are extracted

hereunder:

“1. Based on specific information, the officers of Narcotic Control Bureau, Chennai Zonal Unit, seized 3.056 kgs of Methamphetamine at Platform No.04 of Egmore Railway station on 17.11.2023 and apprehended one person who is a Chennai resident named Sanjay Khan s/o Ismath Basha for his involvement in illicit trafficking of the seized contraband under the provisions of the NDPS Act, 1985. Sanjay Khan was enquired with and placed under arrest in the said case on 19.11.2023 under various sections of the NDPS Act, 1985. Upon enquiry, Sanjay Khan revealed that he regularly used to procure Meth(ICE) from a person named Yerrakudi Surya Narayana Reddy aged around 55 years, a Hyderabad resident at Stadium Station entrance and sometimes near the SBI ATM at the corner of his residence street ie., State Bank Colony Street, Uppal, Hydrebad. Based on the information report dated 19.11.2023, a team was detailed to identify the residence of the co-accused Yerrakudi Surya Narayana Reddy and conduct his house search at Uppal, Hyderabad. House at H.No.2-17-127/6/1,



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Plot.No.106, Road No.2, Sri Ragavendra Nagar Colony, Uppal, Hydrebad-09 which was found to be occupied by the co-accused Yerrakudi Surya Narayana Reddy and his wife. The co-accused Yerrakudi Surya Narayana Reddy was issued summons under Section 67 dated 20.11.2023 and called for the detailed enquiry at NCB Chennai office which led to his arrest dated 23.11.2023.

2. Subsequently, the accused/petitioner was produced before the learned Metropolitan Magistrate XIV on 20.11.2023 at Egmore, Chennai and he was sent to judicial custody up till 04.12.2023. The co-accused Yerrakudi Surya Narayana Reddy r/o papi reddy was issued summon under Section 67 of the NDPS Act dated 20.11.2023 and on the basis of enquiry he too was arrested on 23.11.2023 under various provisions of the NDPS Act, 1985. Thereafter, he was also produced before learned Metropolitan Magistrate XIV on 24.11.2023 at Egmore, Chennai and was subsequently sent to judicial custody.”

5. The learned Special Public Prosecutor further submits that the investigation in this case has been completed, and the matter has been taken on file in C.C.No.516 of 2024 before the Principal Special Court under the EC and



NDPS Act, Chennai. He contends that the petitioner is resorting to dilatory

tactics by filing a discharge petitioner and a petition seeking a translator in

Telugu, which has hindered the progress of the trial. The learned Special Public

Prosecutor raises a strong objection to the petitioner's release on bail at this

stage, citing concerns that the petitioner, hailing from Hyderabad, may abscond

or tamper with witnesses if granted bail.

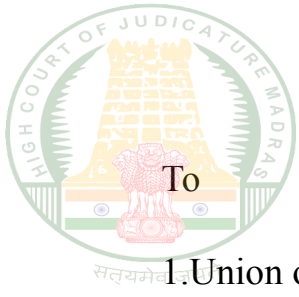
6. Heard both sides and perused the material available on record.

7. Taking into consideration of the facts and the submissions made by the learned Special Public Prosecutor for NCB cases and taking note of the fact that the seized contraband is a commercial quantity and there is no change in circumstances, this court is not inclined to grant the bail to the petitioner.

8. Accordingly, this Criminal Original Petition stands dismissed.

01-07-2025

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To

1. Union of India through
Intelligence Officer, NCB, Chennai
Zonal Unit, Chennai.

2. The Principal Special Judge for
NDPS Act Cases at Chennai.
3. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR J.

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