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Crl.O.P.Nos.12159 & 12163 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 08.07.2025
PRONOUNCED ON : 18.07.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.Nos.12159 & 12163 of 2025

Crl.O.P.No.12159 of 2025

Murugan

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
NIBCID Police,
Salem.
(Crime No.50 of 2021)

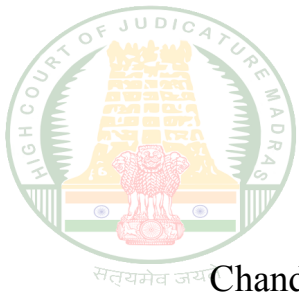
... Respondent

PRAYER : Criminal Original Petition is filed under Section 483 of BNSS, to enlarge the petitioner on bail in Spl.C.C.No.76 of 2022 on the file of the Special Judge for EC/NDPS Act, Salem.

For Petitioner : Mr.K.Thenrajan

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl. Side)

Crl.O.P.No.12163 of 2025



Crl.O.P.Nos.12159 & 12163 of 2025

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Chandra Mohan @ Mohan

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
NIBCID, Salem Police Station ,
Salem.
(Crime No.50 of 2021)

... Respondent

PRAYER : Criminal Original Petition is filed under Section 483 of BNSS, to enlarge the petitioner on bail pending trial in Spl.C.C.No.42 of 2023 on the file of the Special Judge for EC/NDPS Act Cases, Salem.

For Petitioner : Mr.S.Suresh
for Mr.O.Chembulingam

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl. Side)

COMMON ORDER

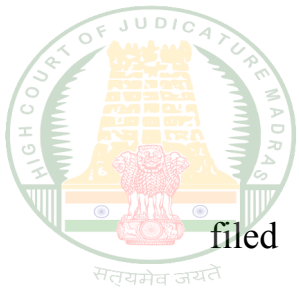
The petitioner/A8 in Spl.C.C.No.76 of 2022, who was arrested and remanded to judicial custody on 21.07.2022, for the offence punishable under Sections 8(c) r/w. 20(b)(ii)(C), 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 [NDPS Act], seeks bail.



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2.The petitioner/A9 in Spl.C.C.No.42 of 2023, who was arrested and remanded to judicial custody under PT Warrant on 16.05.2023, for the offence punishable under Sections 8(c) r/w. 20(b)(ii)(C), 25, 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 [NDPS Act], seeks bail.

3.The contention of the learned counsel for the petitioner/A8 is that initially case was registered in Crime No.652 of 2021 by Nallipalayam Police on 28.11.2021, thereafter the case was transferred to NIB CID, Salem and charge sheet filed in Spl.C.C.No.76 of 2022. He would submit that the the petitioner is not a named accused in Crime No.50 of 2021. The petitioner/A8 is arrayed as accused on the confession of the co-accused and no recovery made from the petitioner. He would submit that merely on surmises and conjunctures, the petitioner was arrayed as accused. He would further submit that the petitioner earlier filed a bail application in CrI.O.P.No.2646 of 2023 which was dismissed on 06.02.2023 with a direction to the Trial Court to dispose the case as expeditiously as possible, within a period of three months from the date of receipt of a copy of this order and the trial is yet to commence. Further, the second bail application



filed by the petitioner in Crl.O.P.No.2883 of 2024 was dismissed on 13.02.2024 on the ground that the petitioner is having previous case of similar in nature. Thereafter, the petitioner filed another bail application in Crl.O.P.No.29951 of 2024 and the same was dismissed on 12.12.2024. Admittedly, it is the case of the prosecution that no contraband seized from the petitioner. He further submitted that A3 and A4 in this case already granted bail by this Court. Hence prayed for bail.

4.The contention of the learned counsel for the petitioner/A9 is that initially case was registered in Crime No.652 of 2021 by Nallipalayam Police on 28.11.2021, thereafter the case was transferred to NIB CID, Salem and charge sheet filed in Spl.C.C.No.76 of 2022. The petitioner was shown as absconding accused and thereafter, the case was split up as against the petitioner and numbered as Spl.C.C.No.42 of 2023. Thereafter, the petitioner was shown arrest in Crime No.279 of 2023 and produced under PT Warrant. He would submit that the the petitioner is not a named accused in Crime No.50 of 2021. The petitioner/A9 is arrayed as accused on the confession of the co-accused and no recovery made from the petitioner. The case projected against the petitioner/A9 is that he purchased a vehicle



involved in the case in smuggling the contraband and handed over to A8. In

this case, A8 himself has been arrayed as accused on the confession of A1.

There is no materials produced to show that there was any money transactions between the petitioner and A8, merely on surmises and conjunctures, the petitioner was arrayed as accused. Further, in this case the mandatory conditions under Sections 42(1), 50(1), 52 and 57 of NDPS Act has not been followed at the time of seizure. The petitioner is in custody for more than 320 days. He would further submit that the petitioner earlier filed a bail application in Crl.O.P.No.9257 of 2024 which was dismissed on 18.06.2024 with a direction to the Trial Court to dispose the case as expeditiously as possible, within a period of three months from the date of receipt of a copy of this order and the trial is yet to commence. Further, the second bail application filed by the petitioner in Crl.O.P.No.17636 of 2024 was dismissed on 25.07.2024 on the ground that contraband seized from the petitioner is commercial quantity and the petitioner has got eight previous cases. Thereafter, the petitioner filed another bail application in Crl.O.P.No.22624 of 2024 and the same was dismissed as withdrawn on 26.09.2024. Admittedly, it is the case of the prosecution that no contraband seized from the petitioner and the overt act attributed against the petitioner is



that he purchased a Bolero vehicle involved in the case. Hence prayed for bail.

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5.The learned Government Advocate (Crl. Side) filed his counter and submitted that these are the fourth bail application for both the petitioners/A8 and A9. He would submit that on 28.11.2021, the Inspector of Police, Nallipalayam Police Station was on patrol duty, at that time, received a secret specific information about illegal transportation of ganja. The Inspector of Police along with the Special team conducted vehicle check at Thirucehngode to Namakkal road, Ernapuram Junction about 5.00 a.m. and found a speeding Bolera Pickup vehicle bearing registration No.TN-36-S-8838, which was intercepted, the driver and two occupants questioned and they admitted the transportation of ganja in their vehicle which was sourced from the State of Andhra Pradesh. They were arrayed as A1 to A3 and from them, 140 bags each containing 2 kgs of ganja, totally 280 kgs of ganja seized. They also confessed that they transported 170 bags containing 340 kgs of ganja, in which, 30 bags containing 60 kgs of ganja delivered to Anandhi and Raju. Based on their confession, both Anandhi and Raju arrested and 60 kgs of ganja recovered. Thereafter, the case was transferred



to NIB CID, who on sustained investigation found the active role played by the petitioners and others. Hence, totally nine persons were arrayed as accused in this case. During investigation, the Bolero Pickup vehicle seized and examined, found chassis number of the vehicle had been tampered with to cover the identity of the vehicle and its owner. The petitioner/A9 along with other accused during the period 28.11.2019 to 28.11.2021, deposited and transferred a sum of Rs.53,15,178/- in the account of Dhanammal, wife of A1 and sister of A6 and during the period 01.09.2021 to 28.02.2022 a sum of Rs.6,94,500/- was withdrawn by A6 and A7 on 74 occasions through ATM in the State of Andhra Pradesh and used the amount for purchase of ganja. Thus, A8 and A9 actively took part in the commission of the offence. Hence, prayed for dismissal.

6.Considering the submissions made and on perusal of the materials, it is seen that these are the fourth bail application filed by both the petitioners. Further, the petitioner/A9 and petitioner/A8 both having criminal antecedents, A8 involved in similar offence in Crime No.15 of 2019 which is pending trial. It is also seen that the petitioners/A8 and A9 actively taken part in commission of the offence. Further, A3 and A4 in this case being



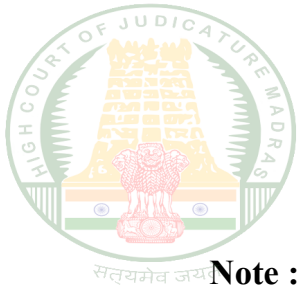
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women were granted bail and the same yardstick will not be applicable and benefit cannot enure to the petitioners. Hence, this Court is not inclined to grant bail to the petitioners.

7. Accordingly, the Criminal Original Petitions stand dismissed.

18.07.2025

Speaking Order/Non Speaking Order
Index : Yes/No
Neutral Citation: Yes/No
cse



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Note :

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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 Inspector of Police,
NIBCID, Salem Police Station ,
Salem.
- 2.The Special Judge for EC/NDPS Act Cases,
Salem.
- 3.The Public Prosecutor,
Madras High Court.



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M.NIRMAL KUMAR, J.

cse

Pre-delivery order made in

CrI.O.P.Nos.12159 & 12163 of 2025

18.07.2025