



Crl.O.P.No.13109 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.13109 of 2025

M.Nanda Kumar

... Petitioner

Vs.

The Senior Intelligence Officer,
Directorate of Revenue Intelligence,
Chennai Zonal Unit,
72 GN Chetty Road,
T.Nagar, Chennai – 600 017.

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner on bail pending investigation in C.C.No.123 of 2022 on the file of 1st Additional Special Judge for EC & NDPS Cases, Chennai.

For Petitioner : M/s.R.C.Paul Kanagaraj

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.12.2021, for the offence punishable under Sections 8(c) r/w. 22(c), 28 & 29 of the NDPS Act in C.C.No.123 of 2022, registered on the file of the respondent, seeks bail.



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2. The case of the prosecution is that the petitioner was arrested on 24.12.2021. The petitioner along with A1, was travelling in a car which was intercepted at the Paranur Toll Plaza, Chengelpattu. Both the petitioner and A1 were taken to the office of the Directorate of Revenue Intelligence (DRI), where their statements were recorded u/s. 67 of the NDPS Act. Pursuant to the disclosure made by the petitioner, 1 KG of Methamphetamine was recovered from a concealed cavity in the left air bag compartment of the vehicle. Based on further information provided a search was conducted at the residence of A2's aunt, from where another 1 KG of Methamphetamine was recovered. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case. He further submits that the petitioner is arrayed as A2 and he is the driver of A1 and the petitioner has no idea about the concealment of Methamphetamine in the vehicle. He further submits that the petitioner is in incarceration for more than 3 ½ years. The learned counsel petitioner further relied upon the orders passed by this Court wherein this Court had dismissed three bail applications filed by A1 with a direction to the trial Court to complete trial within a time frame. In support of his contentions, the learned counsel for the petitioner relied upon the decisions of the Hon'ble Apex Court in



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the case of ***Rabi Prakash Vs. State of Odisha*** reported in ***2023 SCC Online 1109*** and ***Ankur Chaudhary Vs. State of Madhya Pradesh*** in ***Special Leave to Appeal (Crl) No.4648 of 2024*** wherein it was held that *the prolonged incarceration, general militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such a situation, the conditional liberty must override the statutory embargo created under Section 37(1)(b)(ii) of the NDPS Act.* Following the decisions of the Hon'ble Apex Court, this Court has granted bail to A4. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police while opposing the grant of bail to the petitioner submitted that based on the confession statement, the accused persons have been arrested for illegal possession of 2 Kgs of Methamphetamine. However, the present case on hand totally varies from the decisions of the Hon'ble Apex Court relied upon by the learned counsel for the petitioner, wherein there were totally 19 witnesses in which only one witness has been examined, however, in the present case there are totally 10 witnesses in which for all the ten witnesses, chief examination has been



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completed. P.W.2 died. Now the case is posted for cross examination of P.W.6 on 01.08.2025. It is submitted that most of the witnesses have already been examined, with only four more remaining for examination and re-examination. Hence, it is the petitioner who is causing the delay and for non-examination of the witnesses then and there, the prosecution cannot be blamed. Hence, he strongly opposed for grant of bail to the petitioner.

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

6. Having considered the submissions and taking note of the serious nature of the allegations involving possession of a large quantity of methamphetamine and in view of the submission made by the learned Government Advocate (Crl.Side) that the delay in proceedings is solely attributable to the petitioner, who is deliberately protracting the matter by not processing with the cross-examination of witnesses, this Court is of the opinion that the petitioner is not entitled to bail at this stage. Granting bail at this juncture may hamper the ongoing investigation and lead to tampering of evidence.

7. Accordingly, this Criminal Original petition is dismissed.



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RAP

To

1. The Senior Intelligence Officer,
Directorate of Revenue Intelligence,
Chennai Zonal Unit,
72 GN Chetty Road,
T.Nagar, Chennai – 600 017.
2. The Public Prosecutor,
High Court of Madras.

M.NIRMAL KUMAR, J.

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