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CrI.O.P.No.18726 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2025

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.18726 of 2025

K.Sivanantham

... Petitioner

Vs.

The Union of India,
Narcotics Control Bureau,
Through the Intelligence Officer,
Narcotics Control Bureau,
Chennai Zonal Unit,
Chennai.
(N.C.B.F.No.48/1/02/2022-NCB/MDS)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in
C.C.No.26 of 2022 pending trial on the file of the learned Special Judge, I
Additional Special Court for Exclusive Trial Cases under NDPS Act.

For Petitioner : Mr.K.G.Senthil Kumar

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



CrI.O.P.No.18726 of 2025

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.02.2022, for the offence punishable under Sections 8(c), 22(c), 25, 27A, 28 & 29 of NDPS Act, 1985 in C.C.No.226 of 2022 in N.C.B.F.No.48/1/02/2022-NCB/MDS, registered on the file of the respondent, seeks bail.

2. The petitioner is a truck driver bearing registration No.TN 18 AD 1478. On specific information, the officials of the Narcotics Control Bureau, intercepted the vehicle and recovered 11 kgs of Amphetamine concealed in the vehicle.

3. Learned counsel appearing for the petitioner submitted that there are totally 7 accused in this case, out of which one is absconding and one accused, a foreign national, absconded. The case against him was already split up by the prosecution. According to the prosecution, the contraband was consciously transported by the petitioner and A5, one M.Pratheeban, a Sri Lankan national.



Crl.O.P.No.18726 of 2025

WEB COPY

4. The Hon'ble Supreme Court has granted bail to M.Pratheeban/A5, who falls under the same footing. Hence, the petitioner may also be granted bail, taking into consideration long incarceration.

5. Learned Special Public Prosecutor appearing for the respondent submitted that this petitioner and A5 do not fall under the same category. Though both had knowledge about the transport of psychotropic substances, the physical possession was with this petitioner, unlike A5, who had only conscious and constructive possession. Further, the learned Special Public Prosecutor submitted that the trial in this case is already completed and all the prosecution witnesses have already been examined. At this juncture, some of the accused have filed an application for recall of witnesses, and the case is posted for examination of the recall witnesses on 16.09.2025.

6. This Court, on considering the seizure of the contraband from the petitioner, is not inclined to grant bail in view of the embargo under Section 37 of the NDPS Act.



Crl.O.P.No.18726 of 2025

Dr.G.JAYACHANDRAN, J.

WEB COPY

7. Accordingly, this Criminal Original Petition stands dismissed.

03.09.2025

cda

To

- 1.The Special Judge,
I Additional Special Court for Exclusive Trial Cases under NDPS Act,
Chennai.
- 2.The Intelligence Officer,
Narcotics Control Bureau,
Chennai Zonal Unit,
Chennai.
- 3.The Central Prison,
Puzhal.
- 4.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.18726 of 2025