



Crl.O.P.No.12323 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2025

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THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.12323 of 2025

S.Eswaramoorthy

.. Petitioner

Vs.

Union of India through
Intelligence Officer
Narcotics Control Bureau
Madurai Sub-Zone
Chennai Zonal Unit, Chennai
(NCBF.No.48/1/13/2021 NCB/MDS)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail Spl.C.C.No.77 of 2022 pending on the file of Special Court for EC/NDPS Act, Salem.

For Petitioner : Mr.C.Deepakkumar

For Respondent : Mr.R.Vinoth Raja
Government Advocate (Crl.side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.11.2021, for the offence punishable under Sections 8(c) r/w 20(b)(ii)(C), 28, 29 of NDPS Act, 1985 in connection with Crime No.(NCBF.No.48/1/13/2021 NCB/MDS), registered on the file of the respondent, seeks bail.



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2. The case of the prosecution is that based on the secret information, the respondent police conducted prohibition raid at Pallikonda toll Plaza, Vellore, and found that the petitioner along with other accused were in illegal possession of 212.500 Kgs of Ganja. 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. He also submitted that the petitioner is in no way connected with the alleged offence, however, he is suffering incarceration from 22.11.2021. He submits that the petitioner was not in the scene of occurrence and no recovery has been made. He also submits that co-accused/A4, who had travelled along with the petitioner in the Innova car, has been granted bail by Hon'ble Apex Court in SLP.No.14898 of 2024 on 26.05.2025 and the petitioner is also similarly placed person. 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.

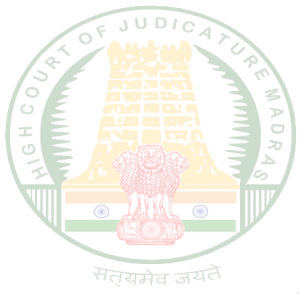


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4. Learned Government Advocate (Crl.side) appearing for the respondent police, while opposing for grant of bail to the petitioner, submitted that the petitioner is the owner of the contraband and he had employed A1 and A2 to transport the contraband. He submits that the ganja was concealed in gunny bags beneath saplings. Based on the information, near Pallikonda Toll Plaza, an Eicher lorry was intercepted and the contraband was seized. He further submits that petitioner along with A4 was travelling in an Innova car as an escort providing instructions and route directions to A1 and A2. The vehicle details of the petitioner, A1 and A2 were verified and revealed close connection among them. As regards A4, who was the owner of the Innova car, has already been granted bail. However, the petitioner, being the owner of the contraband as well as the vehicle, cannot claim parity with A4. This Court, in Crl.O.P.No.6903 of 2025, had dismissed the bail applications of A1 and A2, who were the driver and cleaner of the vehicle. The petitioner's contention that he has no connection with the contraband is contrary to the materials available on record and the facts of the case.

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



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6. Considering the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side and taking into account the fact that the contraband involved is of commercial quantity, this Court is not inclined to grant bail to the petitioner finding that there been materials against the petitioner with regard to call detail records linking the petitioner with A1 and A2, who are the driver and cleaner of the vehicle, in which the contraband was concealed and later seized. The petitioner's plea for parity with A4 would not arise in view of the specific overt acts attributed to the petitioner.

7. The trial Court is reminded that the accused person were arrested on 22.11.2021 and have been in judicial custody for nearly four years. In view of the same, the trial Court is directed to give priority to this case and complete the trial within a period of six months from the date of receipt of a copy of this order.

8. With the above observations, the criminal original petition stands dismissed.

30.06.2025

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M.NIRMAL KUMAR, J.

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To

1. The Special Court for EC/NDPS Act, Salem.

2. Union of India through
Intelligence Officer
Narcotics Control Bureau
Madurai Sub-Zone
Chennai Zonal Unit, Chennai

3. The Superintendent,
Central Prison, Salem.

4. The Public Prosecutor,
High Court, Madras.

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