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Crl.OP.No.18698 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2025

CORAM

THE HONOURABLE MR JUSTICE **K.RAJASEKAR**

Crl.O.P.No.18698 of 2025

K.Ganesh Babu

... Petitioner

Vs.

State, Rep by
Inspector of Police,
F-3, Arambakkam Police Station,
Thiruvallur District.
(Cr.No.114 of 2022)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail pending
in C.C.No.187 of 2023 on the file of the Principal Special Judge, Special
Court for Exclusive Trial of Cases under EC & NDPS Act, at Chennai.

For Petitioner : Mr.B.Pandiaraj

For Respondent : Mr.A.Gopinath,
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on
28.12.2022 for the alleged offence under Section 8(c) r/w 20(b)(ii)(c), 25
and 29(1) of NDPS Act, in C.C.No.187 of 2023 pending on the file of the



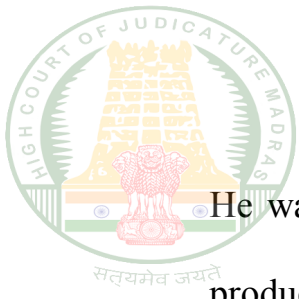
the Principal Special Judge, Special Court for Exclusive Trial of Cases under EC & NDPS Act, at Chennai, seeks bail.

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2. This petition seeking bail had been filed by A3 in C.C.No.187 of 2023 pending before the Principal Special Court for Exclusive Trial of Cases under EC & NDPS Act, at Chennai.

3. The respondent had initially registered FIR in Cr.No.114 of 2022 for offences punishable under Sections 8(c) r/w 20(b)(ii)(C), 25 and 29(1) of NDPS Act, 1985 on 28.05.2022. The petitioner had been arrayed as an accused on the confession of the first accused. The petitioner had been remanded to custody on 28.12.2022.

4. It is the case of the prosecution that on 28.05.2022 at around 4.30 p.m., secret information had been received about transportation of ganja. The information had been entered in the General Diary. The respondent then intercepted a mini lorry bearing Regn.No.MH-05-AM-1243 near Arambakkam Police Station, opposite GNT Road, Check Post, The first accused, driver of the vehicle was found in possession of 235 kgs of ganja.



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He was arrested and remanded to custody. The seized materials were also produced before the Principal Special Court for Exclusive Trial of Cases under EC & NDPS Act, at Chennai. FIR in Cr.No.114 of 2022 had been registered for offences 8(c) r/w 20(b)(ii)(C), 25 and 29(1) of NDPS Act, 1985.

5. The further prosecution of the case is that the first accused revealed that the contraband was being transported from Andhra Pradesh to Madurai under instructions of the present petitioner who had been arrayed as A3. Further, the second accused was also arrested and this petitioner was arrested on 28.12.2022 and remanded to custody. After completion of investigation, final report was filed before the Principal Special Court for EC and NDPS Cases at Chennai and the same was taken cognizance as CC.No.187 of 2023.

6. The learned counsel for the petitioner submitted that at the time of occurrence the petitioner was in prison and it is alleged that he has instigated the other accused to procure ganja and these allegations were levelled only based on the confession statement from the arrested accused. He further submitted that there is no evidence produced to show that there is



a link between the arrested accused and the petitioner herein. Hence,

Section 37 of NDPS Act would not be applicable to this petitioner and prayed to grant bail to the petitioner.

7. This Court vide order dated 20.12.2024 in Crl.OP.No.28798 of 2024 has elaborately considered the submissions regarding the allegations levelled against the petitioner and it is observed as follows:

10. One of the primary requirements is that two conditions will have to be satisfied namely, that the petitioner is not guilty of the offence and that the petitioner will not commit similar offence or is not likely to commit a similar offence if granted bail. The petitioner had already committed two earlier offences though he is on bail. It is evident that he has the habit of being involved in transportation of ganja. He therefore fails in satisfying the second condition. So far as the first condition is concerned, it is no doubt true that he had been arrested on the confession of the first accused but he is the financier of the entire purchase and transportation of the ganja and therefore, he is in the central person involved in the



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offence. Eventhough, the Hon'ble Supreme Court had granted bail to the second accused, who was also arrested on the confession of the first accused, one distinguishing fact is that there are two earlier cases against this petitioner and this petitioner is said to have financed the entire purchase and transportation of ganja which allegations are not levied against the second accused.

11. It is contended by the learned counsel for the petitioner that the petitioner has been in incarceration on and from he had been remanded to custody. But however it is also informed by the learned Government Counsel on the side of the respondents that there are occasions before the trial Court where the accused had been granted bail and thereafter alternatively absent themselves, preventing effective progress of the case”.

8. The learned counsel for the petitioner further submitted that one of the co-accused/A2 was enlarged on bail as per order dated 14.08.2024 and hence, the petitioner is also entitled for bail.



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9. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and reported that the petitioner's earlier bail petition was dismissed by this Court on various occasions and there is no change of circumstances after the dismissal of the petitioner's earlier bail petitions. Hence, he vehemently opposed to grant bail to the petitioner.

10. Considering the facts and circumstances of the case and the submissions made by both counsel, earlier bail petition was dismissed after taking note of all the facts placed before me hence I am of the view that there is no change of circumstances, I am not inclined to grant bail to the petitioner.

11. Accordingly, the Criminal Original Petition for bail stands dismissed.

Vv

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1. The Principal Special Judge,
Special Court for Exclusive Trial of Cases
under EC & NDPS Act, at Chennai
2. The Inspector of Police,
F-3, Arambakkam Police Station,
Thiruvallur District.
3. The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J.

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