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Crl.OP.No.21407 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2025

CORAM

THE HONOURABLE MR JUSTICE **K.RAJASEKAR**

Crl.O.P.No.21407 of 2025

Narayan Singh @ Narayan Singh Parihar

... Petitioner

Vs.

Intelligence Officer,
NCB, South Zonal Unit,
Chennai-600 090.

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 20023, to enlarge on bail on any condition pending trial before this Hon'ble Court in C.C.No.112 of 2008 on the file of the Principal Special Judge, NDPS Act, Chennai.

For Petitioner : Mr.T.S.Sasi Kumar

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



ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.05.2025 for the alleged offence under Sections 8(c) r/w 21(c), 27A, 28 and 29 of NDPS Act, 1985 in C.C.No.112 of 2008 on the file of the Principal Special Judge, NDPS Act, Chennai, seeks bail.

2. The case of the prosecution is that based on the secret information, the officers of NCB, Chennai had effected a seizure of total of 3.050 kgs of Heroin near entrance of Hotel Ishwar, No.100, Walltax Road, Chennai seized on 16.08.2007 and in this case, four persons namely Mahender Singh (A-1), Kapoor Sain (A-2) Saravab Bharati (A-3) and Mahender Singh Parihar (A-4) were arrested for their involvement in the illicit trafficking of recovered contraband drug. Thereafter, a complaint was filed by the respondent and in which, the petitioner herein was cited as absconding accused and ranked as A6. Subsequently, case against the three absconding persons was split up and allotted as C.C.No.112/2008. This Hon'ble Court had issued NBW against the absconding accused, but later on the said case, was ordered to be transferred in long pending register as LPC No.38 of 2014 and thereafter the above said C.C.No.112 of 2008 was not listed for



hearing afterwards. Subsequently, the whereabouts of the petitioner was found out and he was arrested, based on the nonailable warrant issued against him on 30.05.2025 and remanded to judicial custody. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that this petitioner was shown as absconding accused, based on the confession given by one of the co-accused. Further, the complaint itself was filed in the year 2008 and the petitioner was not aware about the above development. He was permanent resident of Ghata Khadi Village, Thalawar District, Rajasthan. To substantiate the same, he also produced the various identification papers including Aadhar Card, Income Returns and Pancard. He further submitted that he is in long incarceration and by relying on the Judgement of the Apex Court rendered in *Tofan Singh Vs. The State of Tamilnadu* 2020 SCC online 882. He further submitted that the petitioner is in judicial custody from 30.05.2025. He further submitted that the petitioner is ready to abide by any conditions that may be imposed by the this Court. Hence, he prays to grant bail to the petitioner. The learned counsel further submitted that in the mother case, the trial was concluded and the accused



therein were convicted to 15 months imprisonment.

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4. The learned Special Public Prosecutor appearing for the respondent reiterated the prosecution case and submitted that on the basis of confession given by the co-accused, this petitioner was arrayed as an accused. He further reported that the co-accused has described that the petitioner is a resident of some other village and after through investigation, final report was filed against this petitioner and now the petitioner is falsely claiming that he is a resident of Ghota Khadi village and he was available and he has not absconded and he is not involved in the offence. He further submitted that the contraband seized is a commercial quantity. Hence, he opposed to grant bail to the petitioner.

5. I have also considered the submissions on both sides and perused the records which reveals that originally, the complaint filed against the petitioner as absconding accused in the year 2008. Later, the case against this petitioner was split up and the proceedings in the split up case was treated as long pending case and no further proceedings were taken up. Thereafter, the respondents herein have identified the whereabouts of the



petitioner and arrested him and remanded to judicial custody in this case on 30.05.2025.

6. It is also submitted before this court that the arrested accused have also convicted for a period of 15 months and with fine. This petitioner is in custody for nearly five months and there is no recovery effected and admittedly absconding complaint was filed against him and it is also submitted that the respondent was not able to trace the petitioner for a period nearly about 17 years and now only they claim that this petitioner is the one who has involved in the commission of offence. Further, the identification of the petitioner as well as the role of the petitioner has to be linked with the seized contraband has to be established by the prosecution and as already held by the Apex Court that the confession statement recorded under Section 67 of NDPS Act could not be utilized against the accused persons. It is also reported that he is not having any previous case. Hence, satisfied the conditions of Section 37 of NDPS Act and hereby granted bail, with certain conditions.



7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned Principal Special Judge, NDPS Act, Chennai**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] **the petitioner shall report before the learned Principal Special Judge, NDPS Act, Chennai on all working days at 10.30 a.m until further orders;**

[c] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]**;



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[d] If the accused thereafter absconds, a fresh FIR
can be registered under Section 269 of B.N.S.

22.10.2025

Vv

Note :

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 **Principal Special Judge, NDPS Act, Chennai**
2. The Intelligence Officer,
NCB, South Zonal Unit,
Chennai-600 090.
3. The Central Prison-I,
4. The Public Prosecutor,
High Court of Madras.

K.RAJASEKAR, J.



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