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CrI.O.P.No.28134 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2025

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

CrI.O.P.No.28134 of 2024

Nani Babu

... Petitioner

Vs.

Union of India represented by,
The Intelligence Officer,
Office of the NCB, Unit Chennai,
Chennai – 600 017.
File No.NCB.F.No.48/1/12/2024/NCB/MDS)

... Respondent

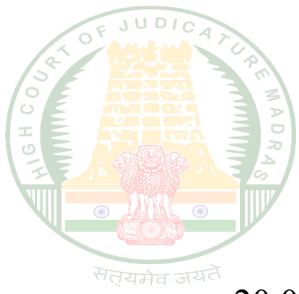
PRAYER: Criminal Original Petition filed under Section 483 of BNSS,
pleased to enlarge the petitioner on bail in RR.No.35 of 2024 on the file of
the respondent police, Chennai.

For Petitioner : Mr.S.Kasirajan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody



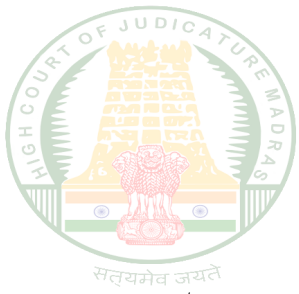
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on 20.05.2024, for the alleged offence under Sections 8(c), r/w 20(b)(ii)(C), 28 and 29 of NDPS Act, 1985 in R.R.No.35 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that based on the secret information with regard to the illegal transport of Ganja from Andhra, the respondent police went to the scene of occurrence, wherein they intercepted the two vehicles and found that the petitioner along with other accused was in possession of 225.400 kgs of ganja and the same was seized by the respondent police and all the accused were arrested and remanded to judicial custody. Hence, the complaint.

3. Learned counsel appearing for the petitioner would submit that the petitioner was arrested by the respondent police on 20.05.2024 for the alleged offences under Sections 8(c), r/w 20(b)(ii)(C), 28 and 29 of NDPS Act, 1985 and remanded to judicial custody. The prosecution case falsely foisted the false case alleging that on 18.05.2024, the petitioner along with other accused have travelled in two vehicles namely MG Hector SUV and Maruti Suzuki Ritz. In the MG Hector SUV vehicle, the other accused



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transported 225.400 kgs of ganja and this petitioner has escorted the MG Hector SUV vehicle. Therefore, the case has been registered against the petitioner. In fact, the petitioner is innocent and he has been falsely implicated in this case. The petitioner is no way connected with the said alleged offence. The petitioner is in judicial custody from 20.05.2024 and no previous case against the petitioner. Therefore, he prays to grant bail to the petitioner.

4. Learned Special Public Prosecutor appearing for the respondent would submit that based on the specific information, they intercepted the car MG Hector SUV bearing Registration No.AP.39.DG.8558 and another vehicle white colour Maruti Suzuki Ritz bearing Registration No.AP.16.CL.1132 near the outer ring road, Morai Avadi Junction, Chennai. At that time, this petitioner along with other accused were found in possession of 225.400 kgs of ganja in the MG Hector SUV vehicle and this petitioner followed the said vehicle in the Maruti Suzuki Ritz vehicle. This petitioner only escorted the vehicle, in which the contraband has been transported. Thereafter, the respondent police recovered the contraband and arrested the petitioner and others on the spot. This petitioner had



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conversation with the other accused through phone and call details were also revealed the same. Investigation is at initial stage, therefore, he strongly opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the rival submissions made by the learned counsel on either side, no contraband was recovered from this petitioner, even according to the prosecution, the contraband was transported in another vehicle and this petitioner followed that vehicle, no previous case is pending against the petitioner and also considering the period of incarceration of the petitioner from 20.05.2024, this Court also perused the entire materials and as per the records, on 18.05.2024 itself the car was intercepted and thereafter issued summons to the petitioner and they appeared on 19.05.2024 and thereafter the respondent police recorded the statements and also considering all other factors, this Court is inclined to grant bail to the petitioner, subject to certain conditions.



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7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the Principal Special Judge for EC and NDPS Act cases, Chennai, and on further conditions that:-

[a] the petitioner shall report before the concerned NDPS Court, Chennai, on all working days at 10.30 a.m., until further orders.

[b] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[c] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[d] the Petitioner shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against



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P.DHANABAL, J.

drl

the Petitioner in accordance with law as if the 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)AIR SCW 5560]; and

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

21.01.2025

drl

To

- 1.The Principal Special Judge for
EC and NDPS Act cases, Chennai.
- 2.The Intelligence Officer,
Office of the NCB, Unit Chennai,
Chennai – 600 017.
- 3.The Superintendent,
Central Prison, Puzhal, Chennai.
- 4.The Special Public Prosecutor,
High Court, Madras.

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