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Crl.O.P.Nos.28878, 32224, 31377 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 28.03.2025

PRONOUNCED ON : 03.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.Nos.28878, 32224, 31377 of 2024

1. A.Renold ... Petitioner in Crl.OP.No.28878 of 2024 / A3
 2. N.Suresh ... Petitioner in Crl.OP.No.32224 of 2024 / A2
 3. Vijayakumar ... Petitioner in Crl.OP.No.31377 of 2024 / A1
- Vs.

The Union of India, Rep. by the
Intelligence Officer,
Director of Revenue Intelligence,
Chennai Zonal Unit 27,
G.N.Chetty Road,
T.Nagar, Chennai – 600 017.
(R.R.No.44 of 2024) ... Respondent/complainant in all cases.

COMMON PRAYER: Criminal Original Petitions filed under Section 483 of BNSS, to enlarge the petitioners/A4, A2 & A1 on bail in connection with the case in R.R.No.44 of 2024 on the file of the Intelligence Officer, DRI, Chennai Zonal Unit, Chennai.

For Petitioners
in Crl.OP.No.28878/24: Mr.M.G.Martin Manivannan
in Crl.OP.No.31377/24: Mr.Abudukumar Rajarathnam,
Sr.Counsel
for Mr.V.Johnson Yuvaraj
in Crl.OP.No.32224/24: Mrs.V.Kayalvizhi
for Mr.D.Ilayaraja



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For Respondent : Mr.N.P.Kumar
in all cases Special Public Prosecutor (DRI)

COMMON ORDER

These Criminal Original Petitions have been filed by the petitioners/A1 to A3. The petitioners/A2 and A3 were arrested and remanded to judicial custody on 30.08.2024 and the petitioner/A1 was arrested on 31.08.2024. The petitioners are accused of the offence under Sections 8(c) r/w Sec.21(c), 23(c), 28 & 29 of NDPS Act, 1985.

2. The petitioners herein are arrayed as A1 to A3. It is the case of the prosecution that on 29.08.2024 at about 3.30 p.m., on secret information, the respondent intercepted a car in which one Viswanathan, Dhanasekaran and Raghupathi i.e., A4, A5 and A6, respectively were found with the contraband viz., Methamphetamine in substantial quantity; that the respondent seized 10 packets of ice (crystal Methamphetamine) weighing 10,130 grams; that their confession revealed that the petitioners had handed over the contraband; that A3 had purchased the contraband from A2 and handed it over to A4, as per the instructions of A1; that on the arrest of A3-Reynold, he was found in



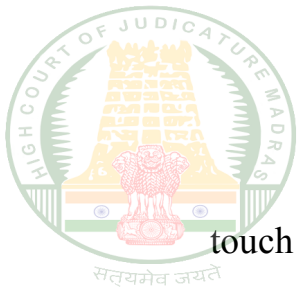
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possession of unaccounted cash of Rs.23,93,500/-; that on the arrest of A2-Suresh, he was found in possession of unaccounted cash of Rs.52,00,000/-; that on the arrest of A1-Vijayakumar, unaccounted cash of Rs.54,89,600/- was seized from his house; and thus committed the aforesaid offences.

3. The learned counsel for the petitioners submitted that the petitioners have no bad antecedents; that the only material collected by the respondent so far is the confession statement of the co-accused; that there is no evidence except the confession to show that the cash seized from the petitioners were proceeds of crime; and that since they sought to be implicated only on the confession of the co-accused, they may be released on bail as they have satisfied the twin conditions under Section 37 of the NDPS Act.

4. The learned Special Public Prosecutor *per contra* submitted that the investigation has now been completed and the complaint has already been filed; that besides the confession of the accused, the prosecution has produced the call detail records and recovery of huge cash as stated above; that on the date of seizure of the contraband, A1 was in constant



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touch with A4; that A2 and A3 were in constant touch with each other;

and that A1 was in constant touch with A3 through mobile phone.

Considering the above facts, the learned Special Public Prosecutor submitted that the petitioners have not satisfied the twin conditions under Section 37 of the NDPS Act and prayed for dismissal of the bail petitions.

5. This Court had perused the petitions, counter affidavits and the complaint filed by the respondent before the trial Court.

6. The case of the prosecution is that the petitioners along with A4, A5 and A6 entered into a conspiracy; that pursuant to the conspiracy, the contraband was supplied by A1 and A4 through A2 and A3; that on the date of the seizure of the contraband, the accused were in constant touch with each other; and that the petitioners were in possession of huge unaccounted cash, which from the confession it is revealed that it was sale proceeds of crime. The prosecution also relied upon the statements of certain witnesses and also certain pictures found in the mobile phones of the accused, which incriminates them and establishes the conspiracy.



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7. In the light of the above, considering the huge quantity of contraband seized from the co-accused, the cash seized from the petitioners and in view of the evidence relied upon by the prosecution, this Court is of the view that the petitioners have not satisfied the twin conditions under Section 37 of the NDPS Act. Hence, this Court is not inclined to grant bail at this stage and the Criminal Original Petitions stand dismissed.

03.04.2025

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SUNDER MOHAN, J.

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To

1. The Principal Special Judge, Special Court for Exclusive Trial of Cases under NDPS Act, Chennai.

2. The Intelligence Officer,
Director of Revenue Intelligence,
Chennai Zonal Unit 27,
G.N.Chetty Road,
T.Nagar, Chennai – 600 017.

3. The Public Prosecutor,
High Court, Madras.

Pre-delivery common order in
CrI.O.P.Nos.28878, 32224, 31377 of 2024

03.04.2025