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Crl.O.P.No.31140 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 20.06.2025

PRONOUNCED ON : 25.06.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.31140 of 2024

Murugan Srinivasan

... Petitioner

Vs.

Union of India,
Through Intelligence Officer,
Narcotics Control Bureau,
Chennai.

... Respondent

PRAYER : Criminal Original Petition is filed under Section 483 of BNSS, to enlarge the petitioner on bail in R.R.No.45 of 2023 on the file of the respondent police.

For Petitioner : Mr.S.Mohammed Iqbal

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



ORDER

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The petitioner, arrested and remanded to judicial custody on 03.11.2023, for the offence punishable under Section 8(c) r/w. Section 21(c), 22(c), 23(c), 28 and 29 of Narcotic Drugs and Psychotropic Substance Act, 1985 (NDPS Act). in connection with R.R.No.45 of 2023 on the file of the respondent, seeks bail.

2.The contention of the learned counsel for the petitioner is that the petitioner is arrayed as accused on a wrong premise that the petitioner was consciously and knowingly possessing and involved in transporting the narcotic substance in this case. The statement of witnesses would clearly prove that the petitioner was involved in turmeric export business with A1, who is a Nigerian and previously neighbour to the petitioner. A1, who was arrested and detained in Bangalore prison, contacted the petitioner for help, by collecting medicines, shoes and other articles which were sent to him by his friends from abroad. Since A1 was in distress, the petitioner agreed and received foreign parcels which are screened, verified and thereafter dispatched to the petitioner. Further, the petitioner was under the impression that only permissible articles and that to, for emergent need of A1, petitioner



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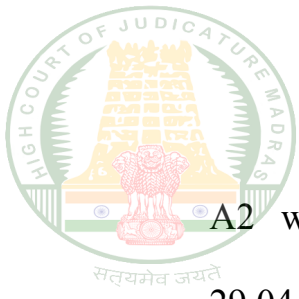
received articles and hand over in the place mentioned where another Nigerian, as informed by A1 would come and collect. The petitioner had no other benefit for this work. The petitioner done this help for about two or three times purely on humanitarian consideration. This being so, on 21.10.2023 the respondent received an information that Postal tracking No.EW131694821FR addressed to Morgan Srinivasn, 21, Kumilan Parpu Perundurai, Krishna Weigh Bridge, Tamil Nadu – 638102 contains MDMA tablets, they followed all conditions under NDPS Act opened the parcel, weighing around 5980 grams in total. On opening it, they found six grey colour sheets containing tablets which were given numbers MP1 to MP6. In MP1 there are 450 nos. of grey coloured tablets, in MP2 there are 514 nos. of green coloured tablets, in MP3 there are 459 nos. of light brown coloured tablets, in MP4 there are 472 light pink coloured tablets, in MP5 there are 1142 nos. of yellowish green coloured tablets and in MP6, there are 853 nos. of peach colour tablets, in total, 3890 MDMA tablets weighing 1.583 kgs were seized. Thereafter, samples were taken and sent for forensic examination through Court and the remaining contraband kept in the godown under safe custody. Following the same, summons served to the petitioner on 30.10.2023. The petitioner appeared before the Intelligence



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Officer, gave his statement that he knew A1/Sam, Nigerian and on behalf of him, he received the parcel sent from France which he was to deliver to another Nigerian as per the instructions of A1. As regards this parcel is concerned, he disclosed two persons who will come and collect it in Bangalore. The petitioner informed this fact to the respondent and promised to help the respondent to apprehend the other two persons.

3. On 31.10.2023, the petitioner proceeded to Bangalore along with NCB officials where A2 and A3 had come, to receive the parcel. As they approached, petitioner identified them and gave signal to the respondent, who surrounded A2 and A3. This is admitted by A2 and A3 in their statement. Thereafter, A1 was taken into custody on 24.11.2023, his statement was recorded and he confirms the turmeric business relationship with petitioner. The petitioner on humanitarian consideration, finding the suffering of a foreigner in Prison, helped him to act as courier, without knowing the contents of the parcels. The petitioner's house was searched on 28.06.2024 in the presence of his mother and no incriminating materials seized. The admitted case is that contraband found and detained in the Foreign Post Office, Meenambakkam. He further submitted that in this case



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A2 was granted bail by this Court in Crl.O.P.No.8850 of 2025 on 29.04.2025. Hence, prayed for bail.

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4.The learned Special Public Prosecutor filed his counter and submitted that based on specific information, the officers of Narcotics Control Bureau, Chennai, seized 3890 nos. of MDMA tablets totally weighing 1.583 kgs seized at Foreign Post Office, Chennai on 21.10.2023 in a parcel bearing tracking No.EW131694821FR which was shipped from France. The parcel was addressed to "Morgan Srinivasan, 21 Kumilan Parpu, Perundurai. Krishna weigh bridge, Tamilnadu-638102. The receiver of the parcel was found to be named Murugan Srinivasan/petitioner herein who was apprehended near Krishna weigh bridge. Erode, Tamilnadu on 30.10.2023. On the summons issued by the Intelligence Officer, the petitioner appeared before the Intelligence Officer and gave his voluntary statement dated 30.10.2023 u/s 67 of NDPS Act, in which, he admitted his role in the illicit trafficking of 3890 nos. of MDMA tablets totally weighing 1.583 kgs. Based on his statement and other material evidences, the petitioner was arrested and lodged in Central Prison Puzhal. Further there



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was no retraction of statement before the Remanding Magistrate. He would further submit that the seized contraband is a commercial quantity (10grams in the case of MDMA) and Section 37 of NDPS Act comes to play and the petitioner has to satisfy the twin condition of Section 37 of NDPS Act, petitioner to satisfy the court that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail, but the petitioner failed to satisfy the condition, hence he is not entitled for bail. He further submitted that after receiving the extension order, the investigation of the case completed and complaint filed before the Court of EC & NDPS Act on 23.07.2024. The NDPS Court, Chennai, taken on file, assigned C.C.No.818/2024 dated 30.09.2024. He further submitted that earlier the petitioner filed bail applications in Crl.O.P.No.4452 of 2024 withdrawn on 12.04.2024 and filed Crl.O.P.No.19974 of 2024 and this Court by order dated 26.09.2024 dismissed the same. Hence, opposed the bail.

5.Considering the submissions made and on perusal of the materials, it is seen that now investigation completed and complaint filed, taken on file in C.C.No.818 of 2024. During investigation, petitioner served with summons



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on 30.10.2023, he appeared before the respondent police, gave his statement disclosing all facts and thereafter, he proceeded to Bangalore along with NCB officials where he aided the respondent by identifying A2 and A3, who are Nigerians and both were apprehended. The petitioner's relationship with A1 is for turmeric business from the year 2012. Since A1 is in prison, the petitioner unknowingly to help A1 to tide over the precarious situation faced by him, the petitioner acted as courier and nothing more. The statement of petitioner, two other accused and the attendant circumstances confirm that the petitioner had no knowledge of contents of the parcel and was not conscious possession of any contraband. In this case, the parcel was intercepted on 21.10.2023, after nine days the petitioner was summoned and thereafter, he had been with the respondent till his arrest on 03.11.2023, during this period helped and facilitated the respondent to arrest two other Nigerians in this case. The petitioner has no bad antecedents, he aided the respondent and no incriminating materials seized from the petitioner. Further, A2 in this case was granted bail by this Court in Crl.O.P.No.8850 of 2025 on 29.04.2025. In view of the same, this Court is inclined to grant bail to the petitioner with certain conditions.



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6. Accordingly, the petitioner is ordered to be released on bail on 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 District Principal Special EC and NDPS Court, 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 to appear before the Trial Court on all hearing dates without fail;

[c] the petitioner shall make himself available for interrogation by the respondent as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] 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



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in P.K.Shaji vs. State of Kerala [(2005)13 SCC 283];

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[f]If the accused thereafter absconds, a fresh FIR can be registered

under Section 269 of B.N.S.

25.06.2025

Speaking Order/Non Speaking Order

Index : Yes/No

Neutral Citation: Yes/No

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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 District Principal Special EC and NDPS Court, Chennai.
- 2.The Central Prison, Puzhal-II, Chennai.
- 3.The Intelligence Officer, Union of India, Narcotics Control Bureau, Chennai.
- 4.The Public Prosecutor, Madras High Court.

M.NIRMAL KUMAR, J.



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Pre-delivery order made in

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