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CrI.O.P.No.31224 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2025

CORAM

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

CrI.O.P.No.31224 of 2024

V.Vishnu

... Petitioner

Vs.

Union Represented by,
The Intelligence Officer,
NCB, Chennai.
R.R. No.32 of 2022.

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS,
pleaded to enlarge the petitioner on bail in C.C.No.314 of 2023 on the file of
the Principal Special Judge, Special Court for EC & NDPS Act, Chennai.

For Petitioner : Mr.M.G.Martin Manivannan

For Respondent : Mr.N.P.Kumar
Special Public Prosecutor (NCB)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 26.07.2022, for the alleged offence under Sections 8(c) r/w Section 20(b)
(ii)(C), 27A, 28 & 29 of NDPS Act, 1985 in R.R.No.32 of 2022 on the file of



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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, the respondent police went to the scene of occurrence and conducted a search, wherein they found that the petitioner along with other accused were in possession of 65.540 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 contend that the respondent police have registered a false case against the petitioner for the offences punishable under Sections 8(c) r/w Section 20(b) (ii)(C), 27A, 28 & 29 of NDPS Act, 1985 and he was arrested and remanded to judicial custody on 26.07.2022. He further submitted that this is the second bail application filed by the petitioner. According to the prosecution, this petitioner hired the vehicle where the contraband was transported and no contraband was recovered from this petitioner. In fact, the petitioner is an innocent and he has not committed any offence as alleged by the prosecution.



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He further submits that the co-accused/A3, A4 & A5 were already released on bail by this Court. Hence, he prays to grant bail for the petitioner.

4. Learned Special Public Prosecutor would submit that the petitioner along with other accused were found in illegal possession of 65.540 kgs of ganja. This petitioner is arrayed as A1 in this case. During the course of investigation, it was found that on 24.07.2022, at Karanodai Toll Plaza, Chennai, the NCB Chennai team had attempted to stop the car bearing registration No.KL-01-BN-5222, but it hit another vehicle and escaped from the spot. This petitioner travelled in the car with other accused to Andhra Pradesh to collect seized ganja and returned back to reach his destination. Also from CDR analysis, it is evident that this petitioner was found in frequent telephonic contact with co-accused. He further submits that the petitioner has two previous cases pending against him; investigation is also completed. However, 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.



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6. Considering the representation made by both side counsel, no contraband was recovered from this petitioner, even according to the prosecution's case, this petitioner hired the vehicle in which transported the contraband, and the same to be decided at the time of the trial, and considering the number of days incarceration of the petitioner from 26.07.2022, so far the trial has not yet commenced, though the petitioner has two previous cases, in all the cases, he has been released on bail, co-accused were already released on bail by this Court and also considering all other factors, this Court is inclined to grant bail to the petitioner, subject to certain conditions.

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, Special Court for Exclusive Trial of Cases under NDPS Act, 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.



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[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 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.

22.01.2025

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P.DHANABAL, J.

drl

To

- 1.The Principal Special Judge,
Special Court for Exclusive Trial of Cases
under NDPS Act, Chennai.
- 2.The Intelligence Officer,
NCB, Chennai.
- 3.The Superintendent,
Central Prison, Puzhal, Chennai.
- 4.The Special Public Prosecutor,
High Court, Madras.

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