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Crl.OP.No.2285 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.2285 of 2025

Nagamalleshwara Rao ... Petitioner(s) /Accused

Vs.

Union of India represented by
The Intelligence Officer,
Office of the NCB, Unit Chennai,
Chennai – 600 017.

... Respondent(s)/ Complainant

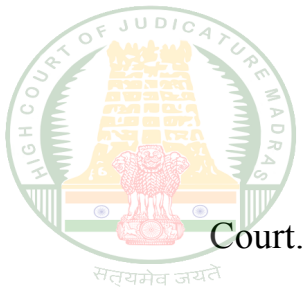
Prayer: Criminal Original Petition filed under Section 483 of BNSS 2023,
to enlarge the petitioner on bail in R.R.No.35 of 2024 by the respondent
police, chennai.

For petitioner(s) : Mr.S.Kasirajan

For Respondent(s) : Mr.N.P.Kumar,
Special Public Prosecutor (Crl.Side)

ORDER

This is the second bail application filed by the petitioner before this



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2. Though the earlier bail petition of the petitioner was dismissed of by my learned predecessor, Hon'ble Justice P.Dhanabal, this petition is listed before this Court pursuant to the orders passed by the Hon'ble Division Bench of this Court in Crl.O.P.No.31787 of 2024 on 04.03.2025.

3. This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 20.05.2024, seeking bail in R.R.No.35 of 2024 and investigated in File No. NCB-F.No.48/1/12/2024/NCB/MDS registered for the offences under Section 8(c) r/w Sections 20(b)(ii)(C), 28 and 29 of NDPS Act.

4. It is the case of the prosecution that, based on secret information, the respondent police intercepted two vehicles and found that the co-accused was found in possession of 225.400 kgs of ganja in his car; and that the petitioner herein was travelling in the second vehicle. Hence, the case.

5. The learned counsel for the petitioner would submit that the



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petitioner is innocent and he has been falsely implicated in this case and the petitioner is in custody from 20.05.2024, and that in any case, further custody of the petitioner is not required and prayed for the grant of bail to the petitioner. He further submitted that similarly placed co-accused was released on bail in Crl.OP.No.28134 of 2025 by Hon'ble Justice. P.Dhanabal on 21.01.2025.

6. Learned Government Advocate (Crl.Side) appearing for the respondent police, reiterated the prosecution case and submitted that the petitioner has no bad antecedents.

7. Admittedly, no contraband was seized from the petitioner. The petitioner stands on the same footing as that of the co-accused who was granted bail by this court in Crl.OP.No.28134 of 2025 dated 21.01.2025. Considering the aforesaid facts and circumstances, period of incarceration, the fact that the petitioner has no bad antecedents, and since further custody of the petitioner is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioner with certain conditions.



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8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Principal Special Judge for EC & NDPS Act cases, Chennai** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;



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[e] On breach of any of the aforesaid conditions, the learned 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];***

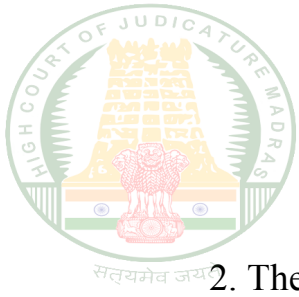
[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

23.04.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
skr

To

1. The Intelligence Officer, Office of the NCB, Unit Chennai,
Chennai – 600 017.



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2. The Public Prosecutor, Madras High Court, Chennai.
3. Principal Special Judge for EC & NDPS Act cases, Chennai
4. The Superintendent of Prison, Central Prison, Puzhal.

SUNDER MOHAN, J.

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