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Crl.O.P.No.32161 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2025

CORAM

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

Crl.O.P.No.32161 of 2024

Mohammed Rizaludeen

... Petitioner

Vs.

Union Represented by,
The Intelligence Officer,
NCB, Chennai.
R.R. No.37 of 2024.

... Respondent

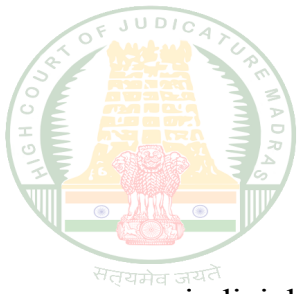
PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail in Crl.MP.No.11516 of 2024 in R.R.No.37 of 2024 in NCB F.No.48/1/14/2024-NCB-MDS on the file of the respondent police.

For Petitioner : Mr.C.M.Ramakrishnan

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

ORDER

The petitioner/Accused-5, who was arrested and remanded to



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judicial custody on 17.06.2024, for the alleged offence under Sections 8(c) r/w 22(c), 27(A), 28 & 29(1) of NDPS Act, 1985 in R.R.No.37 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused were found with possession of 1.470 kgs of white colour crystal substance, which is believed to be Methamphetamine. Hence, the complaint.

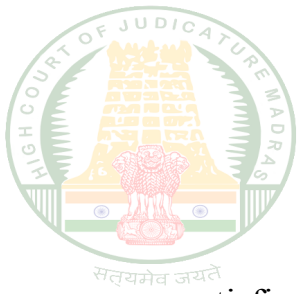
3. Learned counsel appearing for the petitioner would contend that the respondent police have registered a false case against the petitioner for the offences punishable under Sections 8(c) r/w 22(c), 27(A), 28 and 29(1) of NDPS Act, 1985 and he was arrested and remanded to judicial custody on 17.06.2024. According to the prosecution, all the accused along with the petitioner, had indulged in the illegal transportation of the contraband. In fact, the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. All the accused were arrested in this case and the contraband involved in this case was recovered from the accused A1 and A2 only. Based on the confession statement of co-accused, this petitioner was arrayed as an accused in this case. He further submits that the co-accused



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was also released on bail by this Court. Hence, he prays to grant bail for the petitioner.

4. Learned Special Public Prosecutor would submit that the accused were found in possession of 1.470 kgs of a white colour crystal substance, which is believed to be Methamphetamine. This petitioner is A5. In pursuance of further investigation, a female named Krishnakumari (A-4) aged about 65 years, who is a big drug dealer involved in this case, collected a huge amount of drug sale money sent from Srilanka. After identification, the NCB team seized a total amount of Rs.1,29,04,800/- Indian Currency, Foreign currency from her under Mahazar dated 14.06.2024. The person who handed over the drug source money was identified as this petitioner (A-5). Based on their voluntary statements, they admitted their guilt in the procurement, possession, financing and attempt to transport, and entered into the criminal conspiracy for the illicit trafficking of 1.470 kgs of Methamphetamine, came to be seized at Service Road, Redhills, Chennai on 11.06.2024. He further submitted that the seized contraband is a commercial quantity, for which, the petitioner has to satisfy the conditions required under Section 37 of NDPS Act, whereas, in this case, the petitioner has not



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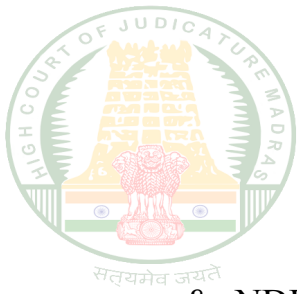
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satisfied the twin conditions required under Section 37 of NDPS Act. He further submits that the investigation is still pending. Hence, he strongly opposed to grant bail to the petitioner.

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

6. Considering the representation made by both side counsel that no contraband was recovered from this petitioner, even according to the prosecution, A1 and A2 were arrested and based on their confession statements, this petitioner was arrayed as an accused, no previous case was pending as on date, co-accused was also released on bail and considering the number of days incarceration by the petitioner from 17.06.2024, 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 EC



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& NDPS Special Judge for Special Court at 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 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



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P.DHANABAL, J.

drl

[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 EC & NDPS Special Judge
for Special Court at 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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