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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Reserved on : 26.06.2025

Pronounced on : 31.07.2025

PRESENT

THE HONOURABLE MR. JUSTICE P.VADAMALAI

CRL OP(MD). Nos.9573 & 9902 of 2025

1. K.Sreekanth (A3) aged 34 years
S/o.Karuppaswamy

...Petitioner in Crl.O.P(MD).No.9573 of 2025

2. Ajith (A4) aged 39 years
S/o.Thulasidharan

...Petitioner in Crl.O.P(MD).No.9902 of 2025

Vs

The Union of India
Represented by the Junior Intelligence Officer,
Narcotics Control Bureau (NCB),
Chennai

... Respondent in both petitions

For Petitioner : Mr.K.Ponaravind
(in Crl.O.P(MD).No.9573 of 2025)

For Petitioner : Mr.K.P.Narayanakumar
(in Crl.O.P(MD).No.9902 of 2025)

For Respondent : Mr.C.Arul Vadivel @ Sekar
(in both petitions) Special Public Prosecutor



PETITIONS FOR BAIL Under Sec.483 of BNSS

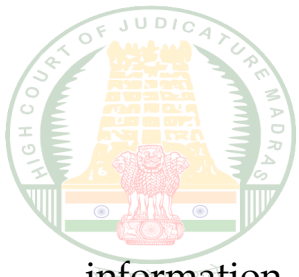
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PRAYER :- For Bail in C.C.No.136 of 2024 on the file of the Principal Special Court for Trial of NDPS Act Cases, Madurai.

COMMON ORDER :- The Court made the following order :-

The petitioner/Accused No.A3 in CrI.OP(MD).No.9573 of 2025 was arrested and remanded to judicial custody on 30.10.2023 and the petitioner/Accused No.A4 in CrI.OP(MD).No.9902 of 2025 was arrested and remanded to judicial custody on 29.10.2023 for the offence punishable under Sections 8(c) r/w 20(b)(ii)(C), 28 and 29 of NDPS Act in C.C.No.136 of 2024 on the file of the Principal Special Court NDPS Act, Madurai in connection with NCB F.No:48/1/21/2023/NCB/MDS on the file of the respondent police, seek bail.

2.The case of the prosecution is that based on the secret information, the Intelligence Officer conducted surveillance and found a Maruti Dezire Car bearing Reg.No.KA51 MR 4118 in front of the Kumbakonam Degree Coffee Cafe, Nallamanickenpatti village, Madurai - Kanyakumari Highways NH 44 and upon search, they found that A1 and A2 were in possession of 122.6 kgs of brownish green colour dried flowers crops and recovered the same from A1 and A2. Based on the



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information given by A1 and A2, the Intelligence Officer also arrested A3 and A4, who escorted the car bearing Reg.No.KA51 MR 4118. Hence the complaint was lodged.

3. The learned counsel for the petitioner in CrI.O.P.(MD).No.9573 of 2025 submitted that the petitioner/A3 is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the respondent police has not collected any materials as against the petitioner/A3. Infact, the petitioner was doing travels business and he was on tour on the date of occurrence, He further submitted that the entire contraband were recovered from A1 & A2. He further submitted that there is no previous case pending against the petitioner/A3.

4. The learned counsel for the petitioner in CrI.O.P.(MD).No.9902 of 2025 submitted that the petitioner/A4 is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the respondent police has not collected any materials as against the petitioner/A4. He further submitted that the petitioner is a driver by profession and he is working as driver in Blue Moon Holidays Travels, and he was engaged by the 3rd accused to drive his car. He further submitted that the car KL 60 A 6716 neither belongs to 4th accused nor, the



4th accused carried any contraband in the mentioned car recovered from the 3rd accused. He further submitted that the entire contraband were recovered from A1 & A2. He further submitted that there is no previous case pending against the petitioner/A4.

5. The learned counsels for the petitioners submitted that A1 was released on bail by the Apex Court and there is no recovery from the accused/A3 & A4 and there is no previous cases pending against the petitioners. They further submitted that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court. Hence, they pray for grant of bail to the petitioners.

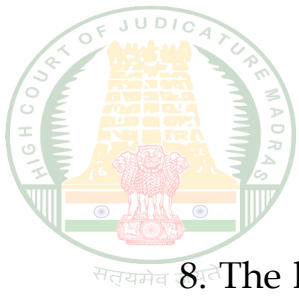
6. The learned Special Public Prosecutor for NDPS Cases filed written objections and submits that on information received by the Investigating Agency on 29.10.2023, they conducted a surveillance and searched a vehicle bearing Reg.No.KA51 MR 4118, in which, accused Nos.1 and 2 were found. During the search, they found 120 kgs. of ganja in the rear trunk of the Car and recovered the same. The accused Nos.1 and 2, in their confession statement recorded under Section 67 of NDPS Act, admitted that they have procured the ganja from Andra Pradesh and they are taking the same to Trivandrum. Initially, the accused tried to go through the Madurai-Kanyakumari



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Highways. But, the petitioners, who were escorting the vehicle, gave a tip of the availability of the Police and therefore, they returned back and stayed near KDFC cafe. The petitioners, who were escorting the contraband vehicle, went upto Srivilliputhur and determined that there is no police risk in that road and thereafter, they returned to KDFC cafe. The investigating agency arrested the petitioner/A3 along with A1, A2 and A4 near KDFC cafe and also recovered their mobile phones in their possession. He further submitted that this is the third bail application filed by A4 before this Court and the earlier applications were dismissed by this Court in Cr.OP(MD).Nos.5948 & 8387 of 2024 dated 26.04.2024 and 29.07.2024 respectively. Further, A3 earlier applications were dismissed by this Court in CrI.OP(MD).No.5197 of 2024 & 2473 of 2025 dated 15.04.2024 and 25.02.2025 respectively.

7. The learned Special Public Prosecutor further submits that apart from the confession statement of the accused Nos.1 and 2, the investigating agency has also collected the call details from the mobile phones recovered from the accused. As per the call details, A1 had contacted A2 for 119 times between 27th October and 29th October; A2 had also contacted A4 for 38 times between 27th October and 29th October and A4 had also contacted the petitioner/A3 for 19 times.



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8. The learned Special Public Prosecutor further submits that the petitioner/A3 is the owner of the Car bearing Reg.No.KL 60A 6716, which has been seized from the place of occurrence. The petitioner is not doing any travels business as projected by him. The tower locations recovered by the investigating agency also revealed that the petitioner/A3 along with A4 went upto Srivilliputhur to find out as to whether the route is clear or not. Therefore, according to him, the investigating agency has collected sufficient materials that the petitioners have nexus with other accused. Further, the final report filed before the Special Court was taken on file in C.C.No.136 of 2024.

9. On perusal of the records. It reveals that the contraband involved is of a commercial quantity, the petitioners and the other accused were travelling together during the illicit trafficking of the contraband and escorted the Ganja loaded vehicle. The CDR Shows that the petitioners were in frequent contact with the other accused. Apart from the confession statement, the investigation agency has collected call details of the petitioners along with the other accused. The petitioner/A3 was arrested along with A4 near the place of occurrence, where, A1 and A2 were arrested with contraband. In this case, the final report has been filed and the same was taken on file in C.C.No.136 of 2024. Further, the petitioners are resident of Kerala. In the



event, if the petitioners are released on bail, they may not be available for trial.

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10. Moreover, while considering bail plea in case of NDPS Act cases, the Hon'ble Supreme Court held in catena of verdicts that as per provisions of Section 37 of the NDPS Act, the Court would have to record a satisfaction that there are grounds for believing that the accused is not guilty of the offence alleged and that he is not likely to commit any offence while on bail. The provision of Section 37 of the NDPS Act is as follows:-

“37. Offences to be cognizable and non bailable. – (1)

Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), –

(a) every offence punishable under this Act shall be cognizable;

(b) no person accused of an offence punishable for [offences under Section 19 or Section 24 or Section 27A5 and also for offences involving commercial quantity] shall be released on bail or on his own bond unless –

(i) the Public Prosecutor has been given an opportunity to oppose the application for such release, and



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(ii) where the Public Prosecutor opposes the application, the court is satisfied 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.

(2) The limitations on granting of bail specified in clause (b) of sub section (1) are in addition to the limitations under the Code of Criminal Procedure, 1973 (2 of 1974), or any other law for the time being in force on granting of bail]”

The Hon'ble Supreme Court in its order reported in 2024 INSC 114, S.L.P. (Crl.) No.8137 of 2022, decided on 12.02.2024, has also held in case of recovery of such a huge quantity of narcotic substance, the Courts should be slow in granting even regular bail to the accused.

11. Considering the above facts and circumstances of the case and also considering the fact that there is no change in circumstances, since the dismissal of the earlier petitions and the quantity involved in this case is a commercial quantity and the petitioners have not satisfied the twin conditions as required under Section 37 of the NDPS Act, this Court is not inclined to grant bail to the petitioners.



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12. In the result, these Criminal Original Petitions are dismissed.

sd/-
31/07/2025

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Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

msrm

TO

- 1 The Superintendent,
Central Prison, Madurai.
- 2 The Officer Incharge,
District Jail, Madurai.
- 3 The Junior Intelligence Officer,
Narcotics Control Bureau (NCB),
Chennai
- 4 The Special Public Prosecutor,
For NCB Cases,
Madurai Bench of Madras High Court,
Madurai.



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5 The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1. CC to M/S.K.P.NARAYANA KUMAR Advocate SR.No.8347[I] DATED
04/08/2025

ORDER
IN
CRL OP(MD) No.9573 of 2025
Date :31/07/2025

AS/09.09.2025/10P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.