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Crl.O.P.Nos.27856 and 34317 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-02-2026

CORAM

**THE HONOURABLE MR JUSTICE K. RAJASEKAR**

**CRL OP NOS.27856 and 34317 of 2025**

Ajan  
Krishnakumar

... Petitioner in Crl.O.P.No.27856 of 2025/ A2  
... Petitioner in Crl.O.P.No.34317 of 2025/ A3

Vs

Union of India rep. By,  
The Intelligence Officer,  
Director of Revenue Intelligence,  
Chennai.  
(R.R. No.21 of 2025)

... Respondent/ Complainant

**Prayer:** Criminal Original Petitions filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioners/ accused in R.R.No.21 of 2025 in F.No.DRI/ CZU/ VIII/ 48/ C-CELL/ ENQ-1/ INT-24/ 2025 on the file of the respondent.

For Petitioner in Crl.O.P.No.27856 of 2025 : Mr. R.C. Paul Kanagaraj

For Petitioner in Crl.O.P.No.34317 of 2025 : Mr. S.N. Subramani

For Respondent(s) : Mr. P. Vishnu  
Special Public Prosecutor

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## **COMMON ORDER**

The petitioners herein were arrested and remanded to judicial custody on 15.07.2025 for the offences under Sections 8(c) r/w 20(b)(ii)(C), 21(C), 23(C), 25, 27A, 28 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 15.07.2025 at about 06:30 hours, the authorized officer of the respondent received an information regarding illicit transportation of Narcotic Drugs/ Psychotropic Substances in a private bus of M/s. Sri Tulasi Travels bearing Registration No.AP-39-UZ-0036 at CMBT bus stand, Koyambedu; that thereby, after complying the mandatory provisions, the respondent team went to the place of occurrence and mounted surveillance; that when the said bus was entering into the bus stand, the respondent had stopped the bus and based on the prior information received, they intercepted two persons namely Krishnakumar (A3) and Sankara Narayanan (A4), who alighted from the said bus with a blue colour backpack; that after complying all the mandatory provisions under the NDPS Act, search was conducted and recovered 2.034 kilograms of Hashish Oil from the backbag of A3; that thereafter, summons were served on them and their statement were recorded under Section 67 of the NDPS Act, which revealed that on the instruction of the petitioner/ Ajan (A2) in this



case, A3 and A4 went to Vishakapatnam, procured the contraband and on their way to deliver the contraband to Thoothukudi, they were intercepted by the respondent; that further course of investigation, it is revealed that A2 acted as a mediator and arranged transportation of Hashish oil through A3 for one Shri Starwin, who is the supplier of the said contraband for the purpose of exporting the same to Maldives; that thereafter, A2 was also taken into custody, his statement was recorded and based on other connected materials, arrest memo was issued to the petitioners herein and they were remanded to judicial custody. Hence, this case.

3. The learned counsel appearing for the petitioner/ Ajan (A2) submitted that there is no recovery effected from this petitioner and he was implicated only based on the statement recorded from the arrested accused; that there is no legally acceptable material available to link this petitioner with the alleged contraband seized in this case; that the petitioner is in judicial custody since 15.07.2025; and that the petitioner is ready to abide by any condition that may be imposed by this Court and sought for bail to the petitioner.

4. The learned counsel appearing for the petitioner/ Krishnakumar (A3) submitted that, this petitioner is only a call taxi driver of the vehicle and he has been falsely implicated in this case; that the petitioner had only accompanied



with A4 in this case and he is in judicial custody since 15.07.2025; and that the petitioner is ready to abide by any condition that may be imposed by this Court and sought for bail to the petitioner.

5. The learned Special Public Prosecutor appearing for the respondent while opposing the bail to the petitioners reiterated the prosecution case and submitted that, the petitioner/ Krishnakumar (A3) was intercepted by the competent officer and 2.034 kilograms of Hashish oil (commercial quantity) has been seized from him and the contention that, he has been falsely implicated in this case is not supported by any documents and the petitioner has to make out the case to satisfy the twin conditions under Section 37 of the NDPS Act.

6. The learned Special Public Prosecutor further submitted that as far as the petitioner/ Ajan (A2) is concerned, there are materials and the confession statements recorded from the arrested accused reveals that he was in continuous contact with A1 and one Starwin, who is the supplier of the contraband; that the CDR details and mobile phone analysis of the accused, it revealed that A2 acted as a mediator and arranged transportation of contraband through A3 based on the demand made by A1 in this case; that the contraband seized in this case is supposed to be brought to Thoothukudi and thereafter, to be delivered to Maldives; that further the photographs and images recovered from the mobile



phone of the accused shows that this petitioner was in constant touch with other accused in this case for the purpose of smooth trafficking of Hashish oil; and that the investigation of this case was completed and final report filed on 06.01.2026.

7. I have considered the submissions made on both sides and perused the materials available on record.

8. The Three Bench judgment of the Apex Court in ***Narcotics Control Bureau vs. Mohit Aggarwal [2022 0 AIR(SC) 3444]***, the Apex Court has considered the grounds to be made out for granting bail and also interpreted the meaning of word “Reasonable grounds” incorporated in Section 37 of the NDPS Act and categorically observed in paragraph Nos.14 and 15 as follows:

*“14. To sum up, the expression “reasonable grounds” used in clause (b) of Sub-Section(1) of Section 37 would mean credible, plausible and grounds for the Court to believe that the accused person is not guilty of the alleged offence. For arriving at any such conclusion, such facts and circumstances must exist in a case that can persuade the Court to believe that the accused person would not have committed such an offence. Dove-tailed with the aforesaid satisfaction is an additional consideration that the accused person is unlikely to commit any offence while on bail.*

*15. We may clarify that at the stage of examining an application for bail in the context of the Section 37 of the Act, the Court is not required to record a finding that the accused person is not guilty. The Court is also not expected to weigh the evidence for arriving at a finding as to whether the accused has committed an offence under the NDPS Act or not. The entire exercise that the Court is expected to undertake at this stage is for the limited purpose of releasing him on bail. Thus, the focus is on the availability of reasonable grounds for believing that the accused is not guilty of the offences that he has been charged with and he is unlikely to commit an offence under*



*the Act while on bail.”*

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9. In this case, it is alleged that the petitioner/ Krishnakumar (A3) was found in possession of 2.034 kilograms of Hashish oil, which is a commercial quantity and he was caught red-handed, while he was transporting from Vishakapatnam to Thoothukudi at CMBT bus stand, Koyambedu and though, the petitioner contend that he has been falsely implicated in this case, no valid grounds or documents were produced before this Court to support his contention and for seeking bail.

10. As far as the petitioner/ Ajan (A2) is concerned, it is alleged that on 10.07.2025, he had arranged A3 to collect the seized contraband from Vishakapatnam and he booked tickets for A3 & A4 for travelling from Thoothukudi to Chennai and he handed over a bag containing cash for handing over it to the supplier of Hashish oil; that further A2 instructed them to go to Tuni, Andhra Pradesh and from there to Annavaram, Andhra Pradesh for collecting the contraband, accordingly, A3 and A4 went to Annavaram, Andhra Pradesh; that further A2 transferred a sum of Rs.1960/- to A3 through an Internet centre for the expenses to be met out by A3 and A4 at Annavaram; that A2 further informed A3 that the contraband will be handed over to them at Vishakapatnam on 12.07.2025 around 06:00 p.m. and also forwarded the location details and transferred Rs.2,960/- and Rs.3,000/- to A3 through Internet centre to



meet out his expenses, in addition to that, he also forwarded the photograph of A3 to Starwin. In paragraph No.14 of the complaint, the phone numbers of each accused and the CDR details, which connects this petitioner with other accused have been narrated elaborately, which establishes prima facie case against this petitioner.

11. As discussed in the earlier paragraphs, the prosecution side had produced various materials and incriminating evidence as against the petitioners herein, therefore it is the burden of the petitioners to establish that there is no substantial probable causes for believing that they are not guilty of the alleged offence, however no such grounds have been made out by the petitioners herein to satisfy the conditions contemplated under Section 37 of the NDPS Act, hence this Court is not inclined to grant bail to the petitioners.

12. Accordingly, these criminal original petitions stand dismissed.

**27.02.2026**

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**K. RAJASEKAR, J.**

stn

To



*Crl.O.P.Nos.27856 and 34317 of 2025*



1. The Intelligence Officer,  
Director of Revenue Intelligence,  
Chennai. (R.R. No.21 of 2025)
2. The Public Prosecutor,  
High Court of Madras.

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