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CrI.O.P.No.32945 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2026

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

CrI.O.P.No.32945 of 2025

S.Pandi

... Petitioner /A2

Vs.

Union of India,
Intelligence Officer,
Narcotics Control Bureau,
Madurai Sub-Zone,
Chenani Zonal Unit, Chennai.
NCB.F.No.48/1/06/2021 NCB/MDS

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner/Accused on bail in
NCB.F.No.48/1/06/2021 NCB/MDS pending on the file of the respondent
Police.

For Petitioner : Mr.C.Deepakkumar

For Respondent : Mr.N.P.Kumar
Special Public Prosecutor

ORDER

The petitioner who was arrested and remanded to judicial custody on
10.07.2021, seeks bail in NCB.F.No.48/1/06/2021 NCB/MDS registered for
the offences punishable under Sections 8(c) read with Section 20(b)(i)©, 28
and 29 of NDPS Act, 1985.

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2. The allegation against the the petitioner is that the petitioner joining hands with other accused, who are ranked as A1 and A3 involved in transportation of 360 kgs of ganja from Andhra Pradesh to Tamil Nadu. While the vehicle entered into the Pallikonda Toll Plaza, Vellore District, the vehicle was intercepted, where in A1 & A2 travelled and after complying the mandatory provisions, search was made and they were found in transportation of 360 kgs of ganja. A1 & A2 transported the same on the basis of instructions given by A3, who was got down prior to entry into the borders of Tamil Nadu. Thereafter, the petitioners have been arrested and the contraband were seized.

3. The learned counsel for the petitioner submitted that the petitioner is ranked as A2 and already A3 in this case was released on bail by Hon'ble Apex Court in 14159 of 2025 dated 27.11.2025 and the petitioner is also similarly placed and he was only a cleaner and he was not aware about the contraband kept in the vehicle and he acted as per the instructions of the employer, who is A1 in this case.



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4. The learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that A3 was released on bail by Hon'ble Apex Court on the ground that, he was not present at the spot when the seizure was taken place and hence he cannot be in incarceration indefinitely, whereas, this petitioner is concerned, he was present along with the contraband and he is actively participated in this case and by relying on the judgement of the Hon'ble Supreme Court in SLP(Crl).No.13714 of 2025 submitted that prolong incarceration is not a valid ground for granting bail.

5. I have considered the submissions and perused the materials available on record.

6. Admittedly, petitioner herein was present at the time of effecting seizure of 365 kgs of ganja from the lorry. Petitioner is in incarceration from 10.07.2021 and further the reasons stated that the granting bail to A3 could not be applied to the petitioner since A3 was granted bail on the ground that, he was not present at the time of seizure , hence he cannot be detained indefinitely. Further, recently, the Hon'ble Apex Court has also held that, Section 37 of NDPS is to be looked into while granting bail and continuous incarceration is not a valid ground for granting bail. Further, petitioner has



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not makes out any ground to satisfy Section 37 of NDPS for granting bail and that being the case, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

05.02.2026

sma

To

1. Union of India,
Intelligence Officer,
Narcotics Control Bureau,
Madurai Sub-Zone,
Chenani Zonal Unit, Chennai.

2.The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J.

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