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D.Dhamodharan vs Union of India Through Intelligence Officer

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Court : Chennai Orders

Decided On : Jun-26-2025

Judge : Honourable Mr Justice M. Nirmal Kumar

Appeal No. : CRL OP/6903/2025

Appellant : D.Dhamodharan

Respondent : Union of India Through Intelligence Officer

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2025

CORAM

THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

1.D.Dhamodharan 2.R.Paramasivam ... Petitioner/A1 & A2 Vs Union of India through Intelligence Officer, Narcotics Control Bureau, Madurai Sub-Zone, Chennai Zonal Unit, Chennai. (NCBF No.48/1/13/2021/NCB/MDS) ... Respondent Prayer: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioner on bail in Spl.C.C.No.77 of 2022,

pending on the file of Special Court for EC and NDPS Act, Salem.

For Petitioners : Mr.C.Deepakkumar For Respondent : Mr.N.P.Kumar Special Public Prosecutor

ORDER

The petitioners, who are facing trial in Spl.C.C.No.77 of 2022 on the file of Special Court for EC and NDPS Act, Salem for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C), 28 and 29 of NDPS Act, 1985 in connection with Crime No.NCBF No.48/1/13/2021/NCB/MDS, registered on the file of the respondent, seek bail.

2. The case of the prosecution is that the petitioners were illegally transported 212.500 kgs. of Ganja in a Truck. Hence, the case.

3. The contention of the learned counsel for petitioners is that the

petitioners are driver and cleaner of the Truck. They were only informed that they are transporting plant samples and they have to deliver as per owners instructions. His owner was also followed them in a separate Innova car

along with another person. The petitioners vehicle was stopped in the Pallikonda Tollplaza from which it was found that Ganja was transported in concealed gunny bags beneath the samples. The petitioners were not aware as to who loaded it, what was beneath the samples, but it was projected as though with concious knowledge the petitioners have transported the Ganja. He further submitted that in this case, the co-accused namely A4/Balachander was granted bail by the Honble Apex Court in SLP No.14898 of 2024 on 26.05.2025 for the reason that the said Balachander is in custody from 21.11.2021 in the above case and he is the owner of the Toyota Innova Car, which was following the truck. The case of the prosecution itself is that A3/owner of the truck and A4 were following the truck. Their instruction is that the petitioners to deliver

the goods. In view of the same, the petitioners are also similarly placed. Further, after the arrest of the accused, there is no progress in the case. Hence, he prays to grant bail to the petitioners.

4.The learned Special Public Prosecutor appearing for the respondent police filed his counter and submitted that based on a specific information, the Officers of NCB Chennai seized 212.500 Kgs of greenish brown coloured dried leaves believed to be Ganja (Marijuana) which came to be seized on 20.11.2021 from Ashok Leyland Dost vehicle bearing No. TN 33 BC 5243 at Pallikonda Toll Plaza from the possession of petitioners/Dhamodharan & R.Paramasivam, S.Easwaramoorthy and L.Balachander and arrested them. Based on their voluntary statements under Section 67 of NDPS Act, other material evidences seized and all four of them remanded to judicial custody. The petitioners were arrested and remanded to Judicial custody on 22.11.2021 for alleged offences under Sections 8 (c) r/w. 20(b)(ii)(c), 28 and 29 of NDPS Act. The first petitioner in his voluntary statement under Section 67 of NDPS Act dated 21.11.2021 stated that he was working as a driver and own one Ashok Leyland Dost Vehicle bearing Registration No. TN-33-BC-

5243. On the instructions of one Eswaramoorthy, the petitioner and one

Paramasivam went to Andhra for buying Coconut saplings. At Andhra the said Eswaramoorthy had concealed 10 gunny bags of Ganja in his vehicle with the petitioner's knowledge and asked him to transport the same to Erode. On their way to back home, the petitioner was intercepted by NCB. The statement of petitioner clearly shows that he consciously transported the Ganja concealed by Eswaramoorthy(A-3). He further submitted that the Complaint in this case was filed against the petitioner and 5 others including 2 absconding accused, before the NDPS Court, Salem on 17.05.2022, which is under the 180 days period from the date of arrest on 21.11.2021.

5.He further submitted that investigation in this case completed. The complaint has been filed in the year 2022 and thereafter since some of the accused were absconding, the case was periodically adjourned and now finally charges framed on 27.05.2025, the trial to be progressed. There are only 8 witnesses in this case. The trial itself can be completed within a stipulated period. He further submitted that the bail was granted to A4 for the

reason that he is the owner of Toyota Innova Car and no seizure made from the car and the car was also seized in a different place not near the Tollplaza. The beneficial facts inuring to A4 cannot be extended to the petitioners. Hence, he strongly opposed for granting bail to the petitioners.

6. Heard both sides and perused the materials available on record.

7. Considering the fact that it is a commercial quantity and bail for A4

was considered by the Hon'ble Apex Court on a totally different footing. Now charges framed. Further Special Public Prosecutor undertakes that examination of 8 witnesses can be completed within a stipulated period. In view of the same, this Court is not inclined to entertain this bail petition. 8.The trial Court is reminded that the accused were arrested on 21.11.2021 and for the past 4 years they are inside the prison. In view of the same, the trial Court is directed to give priority and complete the trial within a period of six months from the date of receipt of a copy of this order.

9. With the above direction, the Criminal Original Petition is dismissed. 26.06.2025 rsi

To: 1.The Special Court for EC and NDPS Act, Salem. 2.Union of India through Intelligence Officer, Narcotics Control Bureau, Madurai Sub-Zone, Chennai Zonal Unit, Chennai. 3.The Public Prosecutor, High Court Madras.

M.NIRMAL KUMAR, J.

rsi 26.06.2025

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