

**IN THE COURT OF THE PRL.SPECIAL JUDGE, PRL. SPECIAL COURT UNDER
EC & NDPS ACT.,CHENNAI-104.**

PRESENT:- Dr. A.D. Maria Clete, Ph.D.(Law),
Principal Special Judge

Thursday, the 29th day of July 2021

Crl.M.P.No 1951/2021 in R.R.No.17/2021

(In NCB F.No.48/1/07/2021/NCB/MDS, On the file of Intelligence Officer, Chennai)

The Intelligence Officer,
Narcotics Contral Bureau,
Chennai zonal Unit,
Chennai.

...Petitioner

/Vs/

1) T.Dubash Shankar @ Shankar, Aged 45 yrs.
S/o.Thirunavakarasu,
No.5, Mettu Street,
Kondungaiyur, Chennai-118.

...Accused -1

2) M.Sreenath, Age 36,
S/o.Madhoosudanan,
r/o.Sreelakam, Elenkathuvila,
OOruttambalam Post,
Thiruvannathapuram dist.,
Kerala.

...Accused-2

This petition coming on this day for hearing before me this day i.e 29-07-2021 and seeking police custody of the accused and upon hearing the arguments of Special Public Prosecutor for petitioner this court doth made the following

ORDER

This petition is filed by Intelligence Officer, Chennai seeking police custody of the accused.

(1) The Averments in the affidavit are as follows:-

Tr.Akshay Hunurkar, presently working as Intelligence Officer Narcotics Contral Bureau, Chennai Zonal Unit requested on 28.07.2021 that based on specific information, the officers of Narcotics control Bureau, Chennai Zonal Unit, seized 327.870 kgs of brownish green colour dry leaves believed to be Marijuana (Ganja) recovered from an Ashok Leyland Dost Vehicle bearing Reg.No.Ap-05-TM 3837 at M/s Sree Tirrupathi Agencies (IOCL Petrol bunk), 91/A. tiruvallur Road, Uthukottai-602 026 on 17.07.2021 and

arrested 02 persons in connection with the illicit trafficking. The properties concerned in this case as detailed in the Annexure were produced before the court of Judicial Magistrate, District Civil and Criminal Court, Uthukottai, along with the case records and case properties at the time of remanding the accused on 20.07.2021. Thereafter the properties, samples were produced before this Court on 22.07.2021 and the accused were remanded to further judicial custody. On preliminary enquiry about the supplier and receiver of the contraband, T.shankar revealed that the contraband was handed over to him by one Michael and it was supposed to be delivered to one Sreenath @ Cheta. A team of NCB officers traced out Sreenath @ Cheta and apprehended him at Kayalikaval. Then he was brought NCB Officer, Chennai Zonal Unit for further enquiry by serving summons u/s 67 of the NDPS Act, 1985 upon him. Sreenath M S/o Madhoosudanan gave his individual voluntary statements dated 19.07.2021 u/s 67 of the NDPS Act, 1985 in which he inter-alia, admitted his individual guilt in procure, possession, attempt to transport and entered into conspiracy for the illicit trafficking of seized 327.870 kgs of brownish green colour dry leaves believed to be Marijuana (Ganja) recovered from a Ashok Leyland Dost Vehicle bearing Reg.No.AP-05-TM3837 petrol bunk located near the Arni River under construction bridge at M/s Sree Tirupath Agencies (IOCL Petrol Bunk), 91/A, Tiruvallur Road, Uthukottai- 26 on 17.07.2021. The investigation is in initial stage and custodial interrogation of the above accused persons is necessary for further investigation to ascertain more details such as:

- a) The contraband being a bulk quantity, source and destination of the same has to be ascertained to reveal whether they are linked with anti-national activities.
- b) Particulars of the financier of the seized contraband has to be ascertained to initiate financial investigation.
- c) Linkages between the arrested persons and the financier has to be established and some other particulars were to be obtained for further clarification and development of investigation.
- d) More particularly, the photograph of Michael, supposed owner of the seized Ashok Leyland Dost vehicle has to be identified.

The deponent undertakes to provide proper food, shelter and treatment and further undertake that he will not ill treat the accused while under my custody; he will undertake to comply all conditions in the event of granting custody of the accused and the Department will be grateful in the event of being granted their custody for purposes of further investigation. It is prayed to permit me to conduct enquiries with the accused at NCB Office Chennai and after interrogation, produce them back before the Hon'ble Special Judge for NDPS Act cases at Chennai in an unharmed and sound condition and therefore to grant custodial interrogation of the said accused person for 1 day for further enquiry and thus render justice.

2. On perusal of the affidavit and the petition, the concerned Superintendent was addressed by the court to cause for production of the accused on 29.07.2021. Accordingly the accused were produced before this court today before this court today and sworn statement of the petitioner was recorded. Thereafter the accused were explained about the request of the police to go into custody and the accused persons expressed their willingness to go over to police custody.

3. Heard Records Perused

4.Points for consideration:

Whether the petition is to be allowed?

5. The Point:

This petition pertains to request under section 167 (2) (a) CrPC r/w 6 (6) of the Criminal Rules of Practice 2019 for police custody of the accused namely 1) T.Dubash Shankar @ Shankar, Aged 45 yrs. 2) M.Sreenath, Age 36, in R.R.No.17/2021 The accused persons was remanded on 19.07.2021 and the request is filed within 15 days from the date of remand. The first remand is expires on 02.08.2021. The affidavit of the Officer was perused. It is deposed that details have to be ascertained pertaining to financier in this case linkages of any antinational activity as well as source of contraband. This court talked to the accused and they were seen and satisfactorily found to be in sound mind and body.

The accused persons stated that they will go over to police custody without any objection. The Investigating Officer wants the accused in police custody for the purpose of enquiry about other accused involved in this case and for unearthing the origin of the contraband. Thus this Court is satisfied that the police custody is required for effective completion of the investigation. In these circumstances this Court permits custody of the accused persons namely 1) T.Dubash Shankar @ Shankar, Aged 45 yrs. 2) M.Sreenath, Age 36, to the Intelligence Officer namely Akshay Hunurkar, Intelligence Officer, NCB, Chennai for 1 day i.e 29.07.2021 till 30.07.2021 and the accused persons shall not be illtreated either physically or mentally and the accused persons shall be produced before this Court on 30.7.2021 before the expiry of court working hours i.e before 5 P.M. Thus the petition is ordered.

Dictated to key into the computers by the Junior Assistant, prints taken out by him, corrected by me and pronounced by me, in open court, this the 29th day of July 2021.

PRL.SPECIAL JUDGE

SPECIAL COURT UNDER EC & NDPS ACT

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Copy to:-

1. The Intelligence Officer, NCB, Chennai.
2. Spl P.P under EC & NDPS Act, Chennai.
3. Superintendent of Prison, Central Prison,Puzhal.