

**IN THE SPECIAL COURT FOR TRIAL OF NIA CASES, KERALA,
ERNAKULAM**

Present:- Shri. N. Seshadrinathan, Judge, Special Court for NIA Cases
Wednesday, the 27th day of August, 2025 / 5th Bhadra, 1947

Crl.M.P No. 117/2025

in

S.C No. 04/2021/NIA

Petitioners / Accused :-

L.Y.Nandana, Aged 46 years,
S/o. I.Y.Upajeeva, R/o. Thangalla,
Kudawella, Nakulugamuwa, Sri Lanka.
And Others

By Adv. Sri. P.K. Anil & Smt. Anusha.P.S.

Respondent /Complainant:-

Union of India represented by
National Investigation Agency, Kochi

By Sri. Arjun Ambalappatta, Senior Public Prosecutor, NIA.

This petition having been heard on 07/082025 and the Court on this day passed the following:-

ORDER

This is an application filed by Accused Nos. 1 and 2 for Regular bail u/s.483 of Bharathiya Nagarik Suraksh Sanhita, 2023 through their counsel.

2. Petition averments in brief may be noticed: The petitioners are falsely implicated as accused 1 and 2 in the RC by NIA, Cochin for the alleged commission of offences punishable under sections 120B, 125, 465 and 471 of

IPC, Sections 18, 20, 38, 39 & 40 of Unlawful Activities (Prevention) Act, section 7 r/w.s 25(1AA) of Arms Act, 1959 and sections 8(C), 21(C), 23(C), 24, 25, 27A, 28 and 29 of NDPS Act, 1985.

3. It is alleged by the prosecution that on 18.03.2021 upon getting credible information, the Indian Coast Guard intercepted one Sri Lankan fishing boat 'Ravihansi' bearing Registration number IMUL-A-0040-TLE, near Minicoy Island, Lakshadweep, within the territorial waters of India at the Arabian Sea and on rummaging, the boat was found to be carrying huge quantity of contraband articles (300.323 Kilograms Heroin) along with 05 numbers of AK-47 rifles and 1000 numbers of 9 MM ammunitions (mostly of Pakistan custody of six Sri. Lankan Nationals, namely (1) LY Nandana (2) KF+H K G B Janaka Dsasppriya (3) AHS Medis Gunasekara (4) S A Namesh Chullka Senarath and (6) Dadallage Nisanka, who are were on board the Sri Lankan fishing boat "Ravihansi". The Sri Lankan boat was subsequently brought to Vizhinjam, Thiruvananthapuram district, Kerala on 25.3.2021. The Narcotic Control Bureau, registered OR No. 2/2021 on 27.3.2021 under sections 8(C), 21(C), 23(C), 24, 25, 27A, 28 and 29 of Narcotic Drugs and Psychotropic Substances Act 1985 and Vizhinjam police registered Crime No. 498/2021 under sections 7 read with 25 (1AA) of Arms Act 1959. Later the

case was handed over to National Investigation Agency, Kochi and they have registered RC 01/2021/NIA/KOC. The National Investigation Agency, Kochi has filed the Charge sheet on 15.12.2021 under Section 173 of the Criminal Procedure Code. The petitioners are in judicial custody since 27.03.2021, the date on which they were subjected to arrest by NCB.

4. The Sri Lankan boat was subsequently brought to Vizhinjam Harbour, Thiruvananthapuram district on 25.03.2021 and Coast Guard handed over the accused persons along with the contraband and other articles to NCB only on 25.03.2021 and they have registered O R No. 02/2021 on 27.03.2021 and produced before the Judicial First Class Magistrate Court, Neyyattinkara only on 29.03.2021. In order to prove the same the prosecution produced the statements of CW1 and CW2, but miserably failed to explain the delay of 8 days after the alleged interception on 18.03.2021 and a further delay of a period of 2 days from the date of arrest of the accused (27.03.2021) upto the date of production before JFCM, Neyyattinkara (29.03.2021). It is therefore clear that the petitioners were in illegal custody of the Indian Coast Guard and NCB. The petitioners placed reliance upon article 22(2) of the Constitution of India to drive home the point that every person who is arrested and detained in custody shall be produced before the nearest Magistrate within a period of 24 hours of

such arrest excluding the time necessary for the journey. Magistrate court is functioning in Androth Island and the petitioners should have been produced before the said Magistrate. So, there is violation of fundamental rights enshrined in the constitution. Since the offence is committed while performing journey or voyage, the offence is to be inquired or tried by a court in whose jurisdiction the course of that journey passed. Going by the statement of CW5 the exact location of alleged interception was 8 Nautical Miles away from the Minicoy Light house, whereas Vizhinjam Harbour is located approximately 226 Nautical Miles away from the place of alleged interception. So this creates serious doubt on the prosecution case. The accused and contraband were produced in violation of the statutory provisions.

5. According to CW1 (intelligence Officer, NCB, Sub Zone, Kochi), he received information regarding the apprehension of the accused from the Sri Lankan boat only on 24.3.2021 even though the alleged interception by the Coast Guard was done as early as on 18.3.2021. The Coast Guard Ship is having all communications means to inform the alleged seizure/interception to the NCB. But they took 6 days to communicate the same and there is no explanation regarding the delay in communication. From the evidence of CW1 and CW5, it

6. can be seen that the Coast Guard handed over the accused and contraband through inventory to NCB. Therefore, it is clear that the Coast Guard conducted search and seizure of the so called contraband and kept the articles and accused persons in their custody for 8 days (from 18.3.2021 to 25.3.2021 both inclusive). In fact, going by the prosecution case, the Coast Guard conducted an illegal search and seizure and kept the accused and contraband articles with them for an unexplained period of 8 days. Hence the prosecution case is quite unbelievable and foisted one.

7. It is pertinent to note here that the journey/voyage from Minicoy Island to Vizhinjam Harbour would take nearly 10 hours. At the same time, the coast Guard ship took 8 days to complete the journey from the place of interception to Vizhinjam Harbour. None of the prosecution witnesses explain the delay of 8 days after the alleged interception on 18.3.2021.

8. Similarly, as per Article 73(4) of the United Nations Convention on Law of Sea in case of arrest or detention of foreign vessels the State shall promptly notify the flag state, through appropriate channels, of the action taken and of any penalty subsequently imposed. The prosecution does not have a case that they have complied the same. Moreover the same is in violation of Article 22(1) of the Constitution of India.

9. It is to be noted here that as per the evidence of CW1, all the contraband articles contained in the packets were analysed by using the test detection kit. At the same time, in order to prove the same no other evidence is seen produced. The so called Test Detection Kit is not seen produced to ascertain its genuineness and it seriously prejudice the accused. There are inconsistent and contradictory versions by the prosecution witnesses. As per the statement of CW4, the fish catch was only 25 K Gs whereas the statement of CW5 shows that the fish catch was 3000 Kgs.

10. In the prosecution case, there are crucial deficiencies and fundamental flaws in registering the case by Narcotic Control Bureau after a long unexplained delay in the production of contraband, and in the absence of verifiable facts with the regard to the safe custody of contraband during the period from 18.3.2021 to 25.3.2021.

11. When a statute creates serious fetters on personal liberty, the evidentiary foundation for its invocation must be commensurate strong, supported by concrete, verifiable facts rather than vague assertion.

12. The petitioners are ready to abide by any conditions that this court may impose and hence they may be released on bail. Hence this petition.

13. The respondent filed objection raising the following contentions.

The petition is not maintainable. Upon getting credible information, Indian Coast Guard intercepted and traced out one Sri Lankan fishing boat "Ravihansi", bearing Registration No. IMUL-A-0040-ILE on 18.03.2021 at Arabian Sea which was found with huge quantity of contraband articles along with five AK-56 rifles and 1000 numbers of 9 MM ammunitions (mostly of Pakistan Ordnance Factory Make), illegally and without proper documents, besides the on-board six Sri Lankan nationals. The said Sri Lankan boat "Ravihansi" along with contraband articles, arms and ammunitions were seized by Narcotics Control Bureau (NCB), Sub-Zone Kochi on 25.03.2021 and 26.03.2021, on their arrival at Vizhinjam Port at Thiruvananthapuram. Kerala. Accordingly, a case was registered by Narcotics Control Bureau (NCB), Sub-Zone Kochi vide NCB-OR-2/2021/NCB/SZ/COK-117, dated 27.03.2021 against six Sri Lankan nationals (1) L. Y. Nandana, Aged 46 years. So L. Y. Upajeeva, r/o Thangalla. Kudawella, Nakulugamuwa, Sri Lanka. (2) H. K. G. B. Janaka Dassppriya, Aged 42 years, S/o H. G. B Peyasena, r/o 128, Modarawatta Kudawelle West, Nakulugamuwa, Sri Lanka (3) A. H. S. Mendis Gunasekara, Aged 32 years, S/o Agampodi Hemal Sathyajit, r/o 108, Algiriyagewaththa, Katudampe, Rathgama, Sri Lanka (4) S. A. Namesh Chullaka Senarath, Aged 33 years, S/o S. M. Pamiss r/o Mahamodhara, Katudampe, Dodanduwa, Sri

Lanka (5) Thilanka Madushan Ranasingha, Aged 29 years, S/o.Sarath Ranasingha, r/o 239/7, Galagoda Watta, Katudampe, Dodanduwa, Sri Lanka (6) Dadallage Nisanka. Aged 40 years, S/o D. Peyarathna, r/o No. 76, Next Nivasa, Sirikadura Watta, Rathgama, Sri Lanka, who were on board Sri Lankan fishing boat '*Ravihansi*'.

14. The seized articles and the arrested six accused were produced before the Hon'ble Judicial First-Class Magistrate Court, Neyyattinkara by NCB. Further the case of NCB in OR number NCB-OR-2/2021/NCB/SZ/COK-117 dated 27.03.2021 was transferred to Hon'ble Sessions Court, Vanchiyoor, Thiruvananthapuram. On 05.04.2021, based on the report submitted by NCB, a case was registered at Vizhinjam Police Station as Crime No. 498/2021 dated 05.04.2021 u/s 27 of Arms Act and Section 34 of IPC, against aforesaid six Sri Lankan Nationals for illegal possession of five AK-56 rifles and 1000 numbers of 9 MM ammunitions and FIR was submitted before Hon'ble Judicial First-Class Magistrate Court, Neyyatinkara, Thiruvananthapuram. During the investigation, Vizhinjam Police altered the sections of Crime No. 498/2021 as Section 7 r/w 25 (1AA) of Arms Act 1959.

15. Considering the nature and gravity of the offence, the Government of India, Ministry of Home Affairs, CTCR Division issued an order vide No.

11011/29/2021/NIA dated 27th April, 2021, directed the NIA to take over the investigation of Crime No. 498/2021 of Vizhinjam Police Station, Thiruvananthapuram, Kerala. Accordingly, the case was re-registered as RC-01/2021/NIA/KOC at NIA Police Station, Kochi on 01.05.2021 under Section 7 r/w 25(1AA) of Arms Act 1959 and the FIR was submitted before this Court. Subsequently, the investigation was taken over from the Kerala Police on 12.05.2021.

16. It is submitted that interrogation of A-1 to A-6 revealed the role of Loku Yaddehige Nishantha @ L. Y. Nishantha @ Sudda, who is the owner of intercepted Sri Lankan fishing boat "Ravihansi". Investigation also revealed some suspicious contacts of the boat owner with a UAE mobile number and the suspicious contact of the said UAE number with Indian mobile number during the relevant period.

17. One Suresh Raj A. @ Suresh @ Chinna Suresh, aged 39/2021, S/o Arasa Rathinam Door No.128, 8th Cross Street, Irandamkattalai, Samayapuram, Kundrathur, Chennai and one Soundarajan @ Soundar, age 24/2021, No.72 Agni Fairy Land, Vanagaram, Maduravayil, Chennai has played important role behind the larger conspiracy to commit the crime, Investigation also revealed that, they were in judicial custody in Crime number 01/2020 of Q-Branch

Kancheepuram, Tamil Nadu. Subsequently, they were arraigned as accused A-7 and A-8 respectively in this case on 29.07.2021 and report has been submitted before the Hon'ble Court. A-7 and A-8 were formally arrested on 02.08.2021.

18. Since the investigation revealed the role of LTTE in this case and the affiliation of accused with the banned terrorist organisation for furthering its activities, section 38, 39 and 40 of the Unlawful Activities (Prevention) Act, 1967, has been invoked in the case and a report has been submitted before this Court on 31.08.2021.

19. Investigation also revealed the incriminating role of (1) Loku Yaddehige Nishantha @ L. Y. Nishantha @ Sudda, son of Loku Yaddeigei Danny, resident of No. 41/16, Vavella Road, Moraketiya West. Nakulugamuwa, Sri Lanka, who is the boat owner. (2) Ramesh Arasarathanam, S/o Arasarathanam, resident of Modara, Sri Lanka, who is the brother of A-7 (3) Anju, native of Ratmalana near to Colombo International Airport, Sri Lanka, presently in UAE, (4) Deepa Rajan Ranga @ Rangan, native of Modara. Sri Lanka, presently in UAE, (5) Haji Salim @ Haji Bhai. resident of Pakistan, (6) Fasli Bhai, Near Juma Masjid, Manadi, Chennai, Tamil Nadu in the larger conspiracy of the crime and they were arraigned as accused A-9 to A-14 respectively on 07.09.2021 and the report has been submitted before this Court.

20. Investigation also revealed the incriminating role played by Satkunam @ Sabesan, age 47/2021, S/o Sachithanandam, No.29/19, Anpuvalipuram, Trincomalee, Sri Lanka residing at F/No 33, Murali Krishna Nagar Main Road, Valsaravakkam, Chennai-87, in the larger conspiracy behind the crime. Accordingly, he has been arraigned as A-15 and he was arrested in this case.

21. Further, in exercise of the powers conferred under sub section 5 of Section 6 r/w Section 8 of NIA Act 2008, the Government of India, Ministry of Home Affairs, CTCR Division issued an order vide No. 11011/29/2021ANIA dated 5th October 2021, directing the NIA to take up investigation of the NCB's Occurrence Report No. 02/21/NCB/SZ/COK dated 27.3.2021, related to seizure of 301 Kgs of heroine, being a connected case. Accordingly, the NCB case was taken over by NIA and the documents were handed over to NIA by NCB on 18.11.2021.

22. The final report against A-1, A-2, A-4, A-5 and A-6 for committed offence punishable under section 120B of IPC r/w section 125 of IPC, 120B of IPC, sections 18, 20, 38, 39 & 40 of UA(P) Act 1967, section 7 r/w 25(1AA) of Arms Act 1959, sections 8 (c) r/w sections 21 (c), 23 (c), 24, 27A, 28 and 29 of NDPS Act, against A-7 u/s 120B of IPC r/w section 125 of IPC, sections 18, 20,

38, 39 & 40 of UA(P) Act 1967, section 120B of IPC r/w section 7 and 25(1AA) of Arms Act 1959, sections 8 (c) r/w sections 21 (c), 23 (c), 24, 27A, 28 and 29 of NDPS Act, section 120B, 125, 465 and 471 of IPC, sections 18, 20, 38, 39 & 40 of UA(P) Act 1967, against A-9 u/s 120B of IPC, sections 18 and 20 of UA(P) Act 1967, section 120B of IPC r/w section 7 and 25(1AA) of Arms Act 1959, sections 8 (c) r/w section 21 (c), 23(c), 24, 25, 27A, 28 and 29 of NDPS Act, against A-10 u/s 120B of IPC r/w section 125 of IPC, section 120B of IPC, sections 18, 20, 38, 39 & 40 of UA(P) Act 1967, section 120B of IPC r/w section 7 and 25(1AA) of Arms Act 1959, sections 8 (c) r/w sections 21 (c), 23 (c), 24, 27A, 28 and 29 of NDPS Act, section 125 of IPC, sections 18, 20, 38, 39 & 40 of UA(P) Act 1967, against A-15 u/s 120B of IPC r/w section 125 of IPC, section 120B of IPC, sections 18, 20, 38, 39 & 40 of UA(P) Act 1967, section 120B of IPC r/w section 7 and 25(1AA) of Arms Act 1959, sections 8 (c) r/w sections 21 (c), 23 (c), 24, 27A, 28 and 29 of NDPS Act, section 125 of IPC, sections 18, 20, 38, 39 & 40 of UA(P) Act 1967 is also filed on 15.12.2021, by NIA before the Special Court for NIA Cases, Ernakulam.

23. The accused A-1, A-2 (the petitioners), A-4, A-5, A-6, A-7, A-9, A-10 and A-15 have committed offences punishable under various section of chapter IV and VI of UA (P) Act and accordingly, they were charged under

various sections of chapter IV and VI of UA(P) Act and various sections of NDPS Act and charge sheet has been filed on 15.12.2021.

24. The contention of the petitioners (A-1 and A-2) in para 1 of the bail petition, alleging false implication in RC-01/2021/NIA/KOC, is completely untenable and contrary to the material evidence on record. On the basis of credible intelligence, the Indian Coast Guard intercepted Sri Lankan fishing vessel "*Ravihansi*" in the Arabian Sea on 18.03.2021, which led to the recovery of a massive consignment of 300.323 kilograms of heroin, five AK-56 rifles, and 1000 rounds of 9mm ammunition, largely of Pakistani origin, along with six Sri Lankan nationals on board, including the petitioners. The recovery of these contraband items without any legal documentation, the petitioners' presence on the vessel at the time of seizure, and subsequent custodial interrogation revealing their involvement in a larger transnational conspiracy involving narcotic smuggling, arms trafficking, and links with banned terrorist organisations such as LTTE, all point to their active and deliberate participation in the commission of serious offences under IPC, UA(P) Act, Arms Act, and NDPS Act. The implication of the petitioners is thus based on concrete evidence and not on any falsehood or assumption, and their role has been elaborately laid out in the final report filed before this Court. Therefore, the

claim of false implication is baseless and made only to mislead the Court and evade judicial custody.

25. The contention of the petitioners in paragraph 3 of the bail application is devoid of merit and contrary to the facts established through a detailed investigation. The interception of Sri Lankan fishing boat "*Ravihansi*" on 18.03.2021 by the Indian Coast Guard, based on credible intelligence, led to the seizure of 300.323 kg of heroin, five AK-56 rifles, and 1000 rounds of 9mm ammunition, primarily of Pakistani origin, being transported illegally into Indian waters without any valid documentation. The petitioners, who were on board the said vessel, were apprehended and their involvement in a well-organized transnational conspiracy has been unearthed through custodial interrogation and corroborative evidence. The gravity of the offence, involving arms, narcotics, and links to the banned terrorist organization LITE, warranted the transfer of investigation to the National Investigation Agency (NIA), which after thorough investigation filed a comprehensive charge sheet on 15.12.2021. The claim of innocence by the petitioners is a bald assertion, not supported by facts, as the material collected clearly establishes their active participation in the commission of offences under the NDPS Act, Arms Act, IPC, and Unlawful Activities (Prevention) Act. The nature and seriousness of the offence, along

with its ramifications on national security, justifies their continued incarceration.

26. The contention raised in paragraph 4 of the bail petition regarding the alleged illegal custody and unexplained delay in production of the petitioners before the Court is factually incorrect and misleading. It is submitted that, the Indian Coast Guard apprehended the Sri Lankan fishing vessel '*Ravihansi*' along with six Sri Lankan nationals and contraband articles on 18.03.2021 in the Arabian Sea. The vessel was not in working condition and hence was tugged for many days and on 25.03.2021 reached the Vizhinjam Port, whereupon the Narcotics Control Bureau, Sub-Zone Kochi, was duly informed and their legal proceedings commenced, including the seizure of narcotic drugs, arms, and ammunition, which concluded only on 26.03.2021 owing to the huge quantity of the seized materials and the need to take their statements. After due process, the case was formally registered as Occurrence Report No. 02/2021/NCB/SZ/COK on 27.03.2021, and on the same day, after following due legal procedures, the accused persons were arrested and produced before the Hon'ble Judicial First-Class Magistrate Court, Neyyattinkara, unlike the the contention made in the bail application. Therefore, the claim of delay in production and illegal custody is baseless and appears to be a deliberate attempt

to mislead the Court.

27. The contentions raised in paragraphs 5 to 11 of the bail petition are factually incorrect, legally misconceived, and aimed at misleading the Court. The Indian Coast Guard, acting on credible intelligence, intercepted the Sri Lankan Fishing Boat "*Ravihansi*" at 08°08.00 N, 072°58.00 E-approximately 8 nautical miles from Minicoy Light house-within Indian territorial waters. The vessel was found damaged and was being towed by another Sri Lankan fishing vessel, Chathurani-06, when it was intercepted. The Indian Coast Guard Ship "*Samarth*", being a large seagoing vessel, could not berth at Minicoy or Androth Islands due to the absence of adequate port infrastructure. Furthermore, these islands lacked the necessary operational facilities, including any presence of the Narcotics Control Bureau (NCB), for undertaking a complex, high-seas interdiction-related seizure and legal processing. Therefore, the vessels and the apprehended persons were brought to Vizhinjam Port, the nearest port with adequate docking and legal infrastructure. The seizure and associated legal procedures were undertaken by NCB upon arrival on 25.03.2021 and concluded on 26.03.2021. The case was registered on 27.03.2021, and the accused were arrested and produced before the Hon'ble Judicial First-Class Magistrate, Neyyattinkara, without any undue delay. Allegations of violation of Article

22(2) of the Constitution of India and the provisions of UNCLOS are misplaced, as the action was taken well within India's sovereign rights over its territorial waters, and there was no infringement of international law. Regarding violation of Article 73(4) of the United Nations Convention on the Law of the Sea and Article 22(1) of the Constitution of India is wholly unfounded and incorrect. It is submitted that upon arrest of the six Sri Lankan nationals, including the petitioners, by the Narcotics Control Bureau (NCB), due intimation regarding their apprehension and the action taken was promptly communicated on 27.03.2021 itself to the Joint Secretary (CPV), CPV Division, Ministry of External Affairs, Patiala House, New Delhi, which is the designated nodal authority for consular communication and coordination with foreign states. Hence, the obligation to notify the flag state through appropriate diplomatic channels was duly complied with in accordance with established procedures.

28. The contentions raised in paragraphs 12 and 13 of the bail petition are factually incorrect, misleading, and intended solely to cast unwarranted doubt on the prosecution's case. It is submitted that, the contraband seized from the Sri Lankan fishing boat "*Ravihansi*" was not solely relied upon based on field test results using the Test Detection Kit, but was scientifically analyzed by

the Custom House Laboratory, Chennai. As per Report Nos. CHL-CHN/NDPS/2159 to 2169 dated 01.04.2021, the seized 300.323 kilograms of powder was conclusively identified as Heroin. Hence, the question of prejudice or lack of proof does not arise. Furthermore, the alleged contradiction pointed out by the petitioners regarding the quantity of fish catch is baseless. CW-4 has referred to the fish catch found on board the "*Ravihansi*" vessel, which was limited, while CW-5's statement pertains to the 3000 kilograms of fish catch found on the towing vessel "Chathurani-06." These refer to two distinct vessels and contexts, and hence, there is no contradiction whatsoever. The claim that the prosecution story is concocted is a desperate attempt to undermine the seriousness of the case and mislead the Court.

29. The contentions raised by the petitioners in paragraphs 14 to 21 of the bail petition are unfounded, misleading, and aimed at creating a false narrative to undermine the strength of the prosecution case. The allegation that material facts were suppressed and that there was an unexplained delay in the production and custody of contraband is wholly baseless. It is reiterated that the Indian Coast Guard intercepted the vessel on 18.03.2021 and, due to infrastructural constraints and the need for proper port facilities, the vessel was brought to Vizhinjam Port on 25.03.2021. The seizure proceedings were then

promptly carried out by the Narcotics Control Bureau (NCB), Sub-Zone Kochi, on 25.03.2021 and 26.03.2021. The contraband was securely handled and sent for forensic testing to the Customs House Laboratory, Chennai, which confirmed it to be heroin. The case was registered on 27.03.2021 after completing all mandatory procedures, including recording statements under Section 67 of the NDPS Act. The accusation that there is no concrete evidence of coordinated criminal activity is incorrect, as detailed investigation has revealed a larger international conspiracy involving several accused, supported by call records, intercepted communications, and material evidence linking them to terrorist and narcotic networks. The invocation of stringent provisions under the NDPS Act and Unlawful Activities (Prevention) Act (UA(P)A) is supported by clear, verifiable, and credible material, and not on mere presumptions. Therefore, the petitioners' assertions regarding violation of liberty or procedural safeguards are wholly untenable and deserve no consideration.

30. The confessional statement of A.H.S. Mendis Gunasekara (A-3) recorded under Section 164 of the CrPC establishes the criminal conspiracy hatched by accused A-1 to A-6 and L. Y. Nishantha (A-9) at Kudawella Harbour, Sri Lanka. It reveals that, L. Y. Nishantha (A-9), the boat owner,

provided a Thuraya satellite phone for secure communication. The statement details the collection of a large consignment of prohibited arms, ammunition, and heroin at the Arabian Sea, and their subsequent concealment inside the Sri Lankan fishing boat "*Ravihansi*" by A-1 to A-6. Further, it confirms the detention of the said boat along with A-1 to A-6 within Indian territorial waters by the Indian Coast Guard, leading to their arrest and the seizure of contraband by the Narcotics Control Bureau (NCB).

31. Statements of CW-4, CW-5, and CW-6-The testimonies of Shri Jagadish Prasad (CW-4), Shri M.S. Prashanth (CW-5), and Shri Shubham Sah (CW-6), who were Assistant Commandants aboard the Indian Coast Guard Ship "*Samarth*", provide direct evidence of the illegal entry of A-1 to A-6 into Indian territorial waters. They further establish that the accused were found in possession of a substantial quantity of heroin, along with prohibited arms and ammunition aboard the SLFB "*Ravihansi*".

32. Statements of Shri Shaiju Varghese (CW-1), Shri. Anshad S (CW-7), Shri Sreekumar TS. (CW-8) - Shri. Shaiju Varghese, Intelligence Officer, NCB (CW-1), along with independent witnesses, Shri. Anshad S. (CW-7) and Shri. Sreekumar (CW-8), corroborates the seizure of the huge quantity of heroin, prohibited arms, ammunition, a Thuraya satellite handset, digital

devices, and incriminating documents from the possession of A1 to A6. Their statements confirm that these items were recovered from the concealed compartments of the Ravihansi boat. These witnesses also attest to the arrest of A-1 to A-6 on 27.03.2021.

33. Statement of Pranav Diwate (CW-10) - Shri. Pranav Diwate's statement specifically addresses the seizure of the Thuraya satellite phone and other digital communication devices possessed by A-1 to A-6 at the time of their arrest. His evidence reinforces the role of A-1 and A-2 in the use of encrypted communication through the Thuraya device in furtherance of the larger criminal conspiracy.

34. Occurrence Report and Seizure Mahazars (D-3 & D-26) - The Occurrence Report in OR-2/2021 of the NCB (D-26) and the Seizure Mahazar dated 25th and 26th March 2021 (D-3), prepared by Intelligence Officer Shri. Shaiju Varghese (CW-1), establish that a huge quantity of heroin, prohibited arms, and ammunition were seized from the possession of A-1 to A-6, including A-1 and A-2. These documents serve as foundational records of the criminal contraband seizure.

35. Documents from Indian Coast Guard (D-5 to D-19) - The series of documents marked D-5 to D-19, obtained from the Indian Coast Guard and

produced by Shri. Shaiju Varghese (CW-1), confirm the interception and detention of SLFB "*Ravihansi* within Indian territorial waters. These documents record the presence of A-1 and A-2 aboard the vessel and corroborate the recovery of contraband, arms, ammunition, a Thuraya set, and multiple digital devices.

36. Arrest Memos (D-20, D-21, D-37 & D-38) - The arrest memos prepared by NCB (D-20 & D-21) and those prepared by the Investigating Officer (D-37 & D-38) clearly document the formal arrest of A-1 and A-2 in NCB OR No. 02/2021 as well as in the present case, thereby legally establishing their custody and involvement.

37. Disclosure and Pointing Out Proceedings (D-54 to D-56, D-275 & D-276) - The disclosure statements of A-2 and A-6 (D-275, D-276), and the disclosure-cum-pointing-out proceedings of A-3, A-4, and A-5 (D-54, D-55 & D-56), identify the precise locations within the "*Ravihansi* boat where the seized contraband was concealed. These proceedings affirm the knowledge and involvement of A-1 and A-2 in the concealment and trafficking of illegal items.

38. Document Identification of A-1 and Google Plotting Evidence (D-50, D-262 to D-265) - The document identification proceedings of A-1 dated 25.06.2021 (D-50) validate the documents linking A-1 to the conspiracy. The

Google plotting records dated 30.09.2021 (D-262 to D-265) show the presence of A-1 to A-6 and A-9 at Kudawella Harbour, Sri Lanka, on 07.03.2021. These records also confirm that A-9 supplied the Thuraya satellite phone to A-1 for secure communication.

39. Call Detail Records and Statement of Approver - The call detail records of the seized Thuraya handset substantiate communications between A-1 to A-6 and Anju (A-11), who facilitated the consignment on behalf of co-conspirators Suresh Raj (A-6), Soundarajan (Approver), Ramesh A (A-8), Deepa Rajan Ranga @ Rangan (A-12) and Haji Salim @ Haji Bhai (A-15), aiming to further LTTE-related activities in India and Sri Lanka. The statement of Soundarajan (Approver) recorded under Section 164 CrPC confirms the phone number used by Anju (A-11), thereby linking the communication chain.

40. Seized Contraband and Arms (MO-1 to MO-20) - The narcotic substance, arms and ammunition marked as material objects MO-1 to MO-20 were recovered from the SLFB "*Ravihansi*", where they were concealed by A-1 to A-6, including A-1 and A-2. These items are primary physical evidence confirming their possession and culpability.

41. Digital devices and mirror images of Thuraya Satellite Phone -The digital devices and the mirror image of the seized Thuraya satellite handset

confirm its use by A-1 and A-2 for clandestine communications. The contents of the Thuraya phone reveal contact with Anju (A-11), who was coordinating with L.Y. Nishantha (A-9) in Sri Lanka and with co-conspirators A-7 and A-8 in India for executing the transnational trafficking operation.

42. FSL Hyderabad Report on Arms and Ammunition (D-414) - The forensic examination report from FSL Hyderabad (D-414) confirms that the arms and ammunition seized from SLFB "Ravihansi are prohibited in nature under relevant legal provisions. The report directly links the possession of such arms to A-1 and A-2.

43. Chemical Examination Report on Narcotic Drugs (D-27) - The chemical analysis report marked D-27 confirms that the substance seized from the vessel is heroin of commercial quantity. This scientific validation further corroborates the offence committed by A-1 and A-2 under the NDPS Act.

44. The Petitioners are clearly abusing the process of law with ulterior motives under the guise of seeking bail. It is most humbly submitted that, if the accused are released on bail, there exists a strong and genuine apprehension that they may abscond from the jurisdiction of the Court, particularly considering their foreign nationality, which would severely hamper the judicial process. There is absolutely no mechanism to trace back the accused in case they leave

the Indian border.

45. The offence involved cross border narcotics trafficking, illegal possession of arms and ammunition and links to organised criminal and terrorist networks. So there is every risk of the accused tampering with the evidence or influencing witnesses if enlarged on bail. There are videos retrieved from the accused which will show the murder of informers and witnesses. Thus their continued custody is essential to ensure their presence during the trial and to uphold the integrity of the prosecution case. There are prima facie materials to show that the accused are involved in these acts knowingly and intentionally. That apart this case squarely falls under the threshold of the bar provided u/s.43D of the UAPA Act. The petitioners being foreign nationals they are not liable to be released on bail except under very exceptional circumstances. The petitioners have entered the country illegally to do the crime. So the bail application is opposed and is to be dismissed.

46. The point for consideration is, whether the petitioners are entitled to get bail?

47. For the purpose of the adjudication of this petition, both sides were heard.

48. **The point** :- The petitioners were arrested on 18.03.2021 as they

were intercepted by the Indian Coast Guard while traveling in a Lankan fishing boat by name 'Ravihansi' bearing registration number IMUL-A-0040-TLE near Minicoy island, Lakshadweep within the territorial waters of India at the Arabian Sea and they were carrying huge quantity of contraband articles 300.323 Kg heroin along with 05 numbers of AK-47 rifles and 1000 numbers of 9mm ammunitions (mostly of Pakistan custody) of six Sri Lankan nationals, namely (1) L. Y. Nandana (2) Janaka Dassppriya (3) Gunasekara (4) Namesh Chullaks Senarath (5) Thilanka Madushan Ranasingha (6) Dadallage Nisanka who were on board of the Sri Lankan fishing boat mentioned above.

49. The main grievance raised by the learned counsel for the petitioners is that though the petitioners were arrested on 18.03.2021 they were produced before JFCM Neyattinkara only on 29.03.2021 and hence there is inordinate delay in producing the accused before the Magistrate and hence the petitioners were kept under illegal custody for ten days which is against the provisions in the Constitution of India. Therefore, the learned counsel for the petitioners vehemently argued that the very arrest itself is vitiated and statutory provisions were thrown to wind. Since the petitioners were kept under illegal custody the entire proceedings is vitiated and hence the petitioners are to be released on bail by imposing any stringent conditions and the learned counsel

argued that petitioners are ready to abide by any condition that may be imposed by this court.

50. In answer to this, the learned prosecutor for NIA argued that though the petitioners were intercepted near Minicoy Island which was within the territorial waters of India at the Arabian Sea, the competent Magistrate before whom they are to be produced is JFCM, Neyyattinkara. In fact, no arrest was made on 18.03.2021 as contended by the petitioners and the Sri Lankan fishing boat along with the accused and huge quantity of arms and ammunitions found in the boat were to be brought to Thiruvananthapuram by means of towing and for that purpose huge time was inevitable. There was no willful delay or deliberate neglect or laches on the part of the officials and the delay occasioned is quite natural in the facts and circumstances of the case. The vessel was not in a working condition and hence the same was tugged for many days and only on 25.03.2021 they could reach the Vizhinjam port, whereupon the Narcotics Control Bureau, South Zone, Kochi was duly informed and they initiated necessary legal proceedings including the seizure of Narcotic drugs, arms and ammunition which concluded only on 26.03.2021 owing to the huge quantity of the seized materials and they recorded their statements as well after completing the whole process Occurrence Report 02/2021/NCB/SZ/COK was

registered on 27.03.2021 and on the same day, after following due legal procedures the accused were arrested and produced before JFCM, Neyyattinkara and all the contentions raised in the petition was denied by the learned prosecutor. The learned prosecutor argued that the Coast Guard has no power to arrest the petitioners and they handed over the accused to the NCB as and when they reached Vizhinjam port without any delay. Upon hearing the learned prosecutor, this court is satisfied that nothing abnormal has taken place. Differently stated, no delay is occasioned in the facts and circumstances of the case and even the petitioners have no case that the vessel was properly functioning and they reached either Vizhinjam Port or they were taken to some unknown place in order to cause delay. (All delays are not fatal. Only unexplained delays are fatal. In the case at hand, the delay occasioned is satisfactorily explained in clear terms and hence, prima facie there is no delay in producing the accused before the Magistrate, as alleged in this petition and the said contention is rejected). Therefore, this court is inclined to accept the contention advanced by the prosecution that the accused were produced before the JFCM, Neyyatinkara without any delay after complying all formalities in strict adherence to the statute.

51. The next contention advanced by the learned counsel for the

accused is that the nearest court is the Magistrate Court in Androth Island and the petitioners should have been produced before the said court. The learned prosecutor argued that since the offence involved narcotics smuggling, arms trafficking and links with banned terrorist organizations such as LTTE, they cannot be produced before the Magistrate at Androth since no NCB is available in the said area at that point of time. The arguments advanced by the prosecutor appear to be tenable.

52. Then the learned counsel for the petitioners argued that the petitioners are facing incarceration right from the date of arrest i.e. from 18.03.2021 or at least from 21.03.2021, the date on which they were produced before the JFCM, Neyyattinkara. According to the learned counsel, considering the pendency of cases involving serious and major offences investigated by premium agencies like CBI and NIA there is no likelihood of an early trial and hence further incarceration is not justified and hence the petitioners are entitled to get bail. (In answer to this, the learned prosecutor argued that there won't be any willful latches on the part of the prosecution and they are ready to cooperate with this court for an early trial).

53. The learned prosecutor opposed the bail/petition and argued that considering the gravity of offence and as there is cross border ramifications and

the offence include narcotic smuggling, arms trafficking and links with banned terrorist organisations such as LTTE and the accused have committed serious offences under IPC, UAPA, Arms Act and NDPS Act and the petitioners being foreign nationals releasing the petitioners on bail will frustrate the trial.

54. The learned prosecutor then argued that conspiracy committed by the accused is evident from the CDR and other than CDR there is confession by the 3rd accused before the Magistrate which will also tell upon the involvement of the accused to the crime. So the learned prosecutor argued that the prosecution is ready to have a trial on an earlier date.

55. The learned prosecutor has also taken me through the documentary evidence namely seizure mahazars, disclosure statements of A2, A6, A3, A5 etc and hence the learned prosecutor vehemently argued that clear involvement of the petitioners can be easily established at the time of trial. He also argued that digital devices and mirror images of Thuraya Satellite phone/handset will confirm its use by the petitioners for clandestine communications. The learned prosecutor also argued that the scientific evidence produced before this court, namely the forensic examination report from FSL Hyderabad, the chemical analysis report will improve the prosecution case to a greater extent. So the learned prosecutor argued that they are ready to co-operate with this court for

an early trial and there won't be any delay or latches on their part.

56. Considering the gravity of the offence, considering the fact that the petitioners are prima facie involved in the crime, considering the fact that the petitioners are foreigners and considering the fact that if both parties are ready to co-operate, trial can be commenced on an earlier date. Granting bail to the petitioners at this stage will certainly frustrate the trial in the given facts and circumstances of the case. Therefore, this court is not inclined to grant bail to the petitioners. The petition fails and it is dismissed.

In the result, the petition is dismissed.

Dictated to the Confidential Assistant and typewritten by him, corrected and pronounced by me in open court on this the 27th day of August, 2025.

Sd/-
N. Seshadrinathan
Judge for NIA Cases

APPENDIX : NIL

Sd/-
Judge for NIA Cases

// True copy //

(By Order)

Sd/-
Sheristadar

Order in
Crl.M.P No. 117/2025 in
S.C No. 04/2021/NIA
Dated: 27/08/2025