



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-07-2026

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THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 12600 of 2026

Nadim Khan

..Petitioner(s)

Vs

State Rep by
The Inspector of Police
PEW-Tambaram Unit,
Tambaram District.
(Crime No. 66 of 2025)

..Respondent(s)

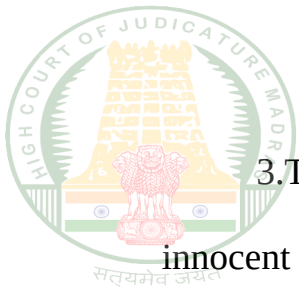
PRAYER : Criminal Original Petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on bail in C.C.No.776 of 2025 in connection to the Crime No.66 of 2025 pending on the file of the I Additional Special Judge under NDPA Act Cases at Chennai.

For Petitioner(s):	M/s.Shiney S
For Respondent(s):	Mr.S.Yogaraja Sekar Government Advocate (Criminal side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.04.2025 for the alleged offences under Sections 8 (c) r/w 20 (b) (ii) (C) of the NDPS Act, in Crime No.66 of 2025 on the file of the respondent police, seeks bail.

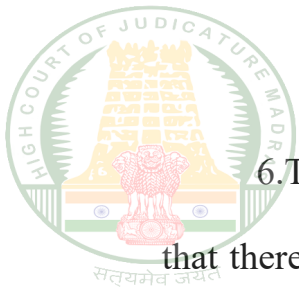
2.The case of the prosecution is that the petitioner was found in illegal possession of 21 kg of Ganja. Hence, the case.



3. The learned counsel for the petitioner submitted that the petitioner is innocent and has been in custody since 29.04.2025. He further stated that there is a huge delay in sending the samples to the Forensic Science Laboratory report (FSL) and in receiving the report. It is also submitted that the grounds of arrest were not furnished in a language known to the petitioner. In support of this contention, he relied upon the judgment of the Hon'ble Supreme Court of India in *Special leave to Appeal (Crl) No.7049 of 2025* dated 09.02.2026. Hence, he prays to grant bail to the petitioner.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent police submitted that this is a case involving a sole accused, that a total of 21 kg of Ganja was recovered from the petitioner and that the case was posted for trial on 02.07.2026. He further contended that the confession statement of the accused reveals that he went to Assam near Kujbihar and purchased the contraband. He also stated that the grounds of arrest were effectively communicated to the petitioner through a translator at the time of arrest, as mandated under Section 52 (1) of the NDPS Act. Hence, he prayed for dismissal of this application.

5. I have given my anxious consideration to the submissions made by the learned counsel on either side and perused the materials available on record.



6. The main contention put forth by the learned counsel for the petitioner is that there is a huge delay in sending the samples and obtaining the report from the Forensic Science Laboratory. In this regard, he relied upon the judgment of the Hon'ble Supreme Court of India, referring to the arguments of the petitioner therein, and contended that because there was an unexplained delay of twenty-one days, the Hon'ble Supreme Court granted bail.

7. As rightly submitted by the learned Government Advocate, upon perusing the cited order of the Hon'ble Supreme Court, this Court could not find the specific quantity of contraband recovered in that case. Therefore, reliance on the aforementioned citation based on a mere reference cannot be applied to the present case, as a change of even a single word can make a world of difference. Consequently, the petitioner's reliance on the cited order of the Hon'ble Supreme Court is unacceptable in the present case.

8. Although there is an argument regarding the delay in receiving the FSL report, as rightly submitted by the learned Government Advocate, this is a matter for trial. Furthermore, the grounds of arrest cannot be effectively raised in this case, as the arrest took place prior to the judgment in ***Mihir Rajesh Shah Vs. State of Maharashtra and another*** reported in (2026) 1 SCC 500. According to the respondent, they complied with all the mandatory requirements, in support of the same they also enclosed grounds of arrest memo and other

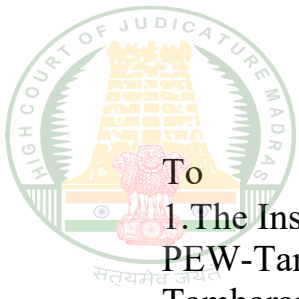


supporting documents. Therefore, this Court is of the firm view that the grounds of arrest cannot be considered in this application, as the arrest took place prior to the *Mihir Rajesh Shah* judgment.

9. Based on the available facts, this Court cannot not find any infirmity in the grounds of arrest. Moreover, this being a case involving a commercial quantity, this Court finds no material in the submissions made by the learned counsel for the petitioner to overcome the rigours of Section 37 of the NDPS Act. Accordingly, this Criminal Original Petition is dismissed.

13-07-2026

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To

1. The Inspector of Police
PEW-Tambaram Unit,
Tambaram District.

2. The Public Prosecutor
High Court of Madras.

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C.KUMARAPPAN, J.

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