



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. 15681 of 2026

Shaik Nazeer Hussain

..Petitioner(s)

Vs

The State Rep By,
The Inspector of Police
M-2, M.M.Colony Police Station,
Madhavaram, Chennai – 620 051.
Crime No. 442 of 2023

..Respondent(s)

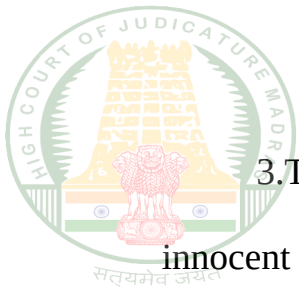
PRAYER : Criminal Original Petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on bail in CC.No.531 of 2024 on the file of the Principal and Special Judge EC and NDPS Act at Chennai.

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.12.2023 for the alleged offences under Sections 8 (c) r/w 20 (b) (ii) (C), 25 and 29 (1) of NDPS Act, 1985, and Section 120 B of I.P.C., in Crime No.442 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that petitioner along with other accused was found in illegal possession of 120 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 02.12.2023. She further submitted that earlier application was dismissed on 05.06.2026, after considering that the petitioner was not entitled to parity, as he has four previous cases. However, the learned counsel for the petitioner relying upon the order passed by the Hon'ble High Court of Andhra Pradesh at Amaravathi in Crl.O.P.No.6038 of 2024 contended that another accused named Shaik Nazeer Hussain, S/o.Habidh Ali Khan, exists. She argued that whenever the name Shaik Nazeer Hussain arose, the police simply arrested the petitioner. Therefore, the petitioner has nothing to do with the other individual, despite his name being Shaik Nazeer Hussain, S/o Shaik Habidh Ali Khan. Apart from that, it was further submitted that the petitioner was arrested in this case solely based on a confession, through which the respondent connected the petitioner with the other accused. The learned counsel for the petitioner further submitted that the petitioner has been incarcerated for more than two years. Therefore, his right to liberty under Article 21 of the Constitution of India has been affected. Hence, she prays to grant bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that since the earlier bail application was dismissed on 05.06.2026, there is no change in circumstances. Therefore, the grounds raised by the petitioner cannot be considered during this bail application, as a

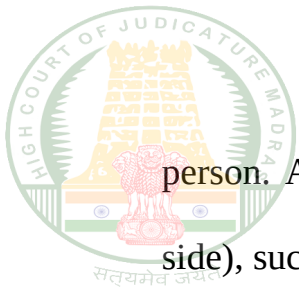


bail application cannot be taken as a matter of speculation. He further contended that even if it is accepted for the sake of argument that this Hussain is not the Hussain actually involved, this issue cannot be gone into at the stage of a bail application. It can only be agitated before the trial court. He further contended that the trial could not proceed due to the abscondence of A4. Hence, he opposed the grant of bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that A4 has now been arrested in another case and is to be remanded in this case by way of a PT warrant.

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

7. Admittedly, this is a case involving a commercial quantity where a huge quantity of contraband, namely 120kg of ganja, was recovered. According to the prosecution, A5 / the petitioner used to purchase the contraband from Andhra Pradesh and sell it to the public near Nariapatinam for personal gain. Although the learned counsel for the petitioner drew the attention of this Court to various orders of the trial Court of Visakhapatnam, Rajamahendravaram, also the order of the Hon'ble High Court of Andhra Pradesh at Amaravathi in Crl.O.P.No.6038 of 2024, her main argument revolves around the identity of the



person. As rightly contended by the learned Government Advocate (Criminal side), such identity issues cannot be gone into at the time of a bail application.

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8. Apart from that, regarding the aspect of parity, this Court already took a conscious decision not to grant parity to the petitioner on 05.06.2026. From 05.06.2026, in order to maintain this application, the petitioner has not demonstrated any grounds showing a change in circumstances. Therefore, this case being a case involves a commercial quantity, there is no change in circumstances, and the only ground urged by the petitioner's counsel relates to an identity issue, it cannot be a ground to overcome the rigor under Section 37 of the NDPS Act. Hence, the Criminal Original Petition is dismissed.

13-07-2026

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To

1. The Inspector of Police
M-2, M.M.Colony Police Station,
Madhavaram, Chennai – 620 051.

2. The Public Prosecutor
High Court of Madras.

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C.KUMARAPPAN, J.

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