



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-07-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 15927 of 2026

Naseer Ahmad

..Petitioner

Vs

State rep. by its,
The Inspector of Police,
D1, Thiruttani Police Station,
Thiruvallur District.
Crime No.132 of 2026.

..Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime
No.132 of 2026 on the file of the respondent police.

For Petitioner: Mr.R.C.Paul Kanagaraj
for Mr.Sivakumar K.S

For Respondent: Mr.S.Yogaraja Sekar
Counsel for Government of Tamilnadu
(Criminal Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on
11.03.2026 for the alleged offences under Sections 8(c) r/w 20(b)(ii)(C), 25 and
29(1) of NDPS Act in Crime No.132 of 2026 on the file of the respondent
police, seeks bail.



2. The case of the prosecution is that on 11.03.2026 at about 14.30 hours, the respondent police were conducting vehicle check near Annapoorna Hotel on the Chennai Tirupati National Highway. During the course of such checking, a blue-coloured car proceeding from Chennai towards Tirupati was intercepted. Upon inspection of the vehicle, the respondent police found a white-coloured sack bag inside the car. On search, the petitioner, along with the other co-accused, was allegedly found to be in conscious and illegal possession of 22.800 kilograms of ganja, which was seized by the respondent police. Thereafter, the present FIR came to be registered.

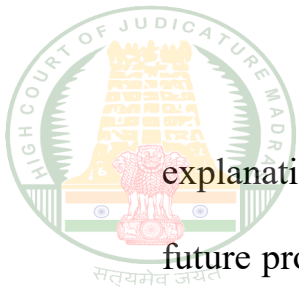
3. The learned counsel for the petitioner submitted that the occurrence took place on 11.03.2026 and there are three accused, and the petitioner is arrayed as A1. According to the prosecution case, during the vehicle check conducted on 11.03.2026, on interception of the vehicle, all the three accused ran away and were subsequently secured and 22.800 kilograms of ganja was recovered from the vehicle. The learned counsel further submitted that, according to the prosecution, the seizure mahazar was prepared on 11.03.2026 at about 15.15 hours, whereas the FIR came to be registered only at 20.30 hours. It is also submitted that there is no proof as to who drove the vehicle or the seating position. Further, there is a discrepancy regarding the place of occurrence between the seizure mahazar and the FIR. It is the further submission of the learned counsel that there is a strong suspicion in respect of



the preparation of the seizure mahazar, since it contains the crime number, which is practically illogical. The learned counsel also relied upon the judgment of the Uttarakhand High Court in ***Bhawan Singh vs. State of Uttarakhand***, dated 14.05.2026, particularly paragraph No.13 which reads as follows:

“13. The inventory report and the arrest memo are not merely formal documents. They constitute the contemporaneous record of the alleged search, recovery and arrest, and form a material part of the foundation of the state’s case. As per the sequence projected by the State, these documents were prepared at the spot prior to registration of the FIR. However, the said documents are shown to contain the FIR/Crime number. Prima facie, therefore, there appears to be an inconsistency in the chronology of events, inasmuch as the FIR number could not ordinarily have been available at the stage when such documents are stated to have been prepared.”

4. Per contra, the learned Government Advocate (Crl.Side) strongly opposed the bail application and submitted that the contentions raised by the petitioner are premature and can be effectively adjudicated only during trial. It is submitted that there is every possibility of the Investigating Officer obtaining the running crime number from the officer in-charge and entering the same at the time of preparation of the seizure mahazar. Therefore, the mere mention of the crime number in the seizure mahazar will not create any doubt regarding the seizure. The learned Government Advocate (Crl.Side) relied upon the judgment of the Bombay High Court in ***Zaheer Gaysuddin Shaikh vs. The State of Maharashtra and another reported in 2024:BHC-AS:12664, dated 14.03.2024***. By relying upon the said judgment, it is submitted that “the



explanation offered on behalf of the police that post recovery of contraband, for future processes, the officer effecting the search on receiving the running crime number from the incharge officer cannot be said to be inconceivable.”

Therefore, the endorsement of the crime number in the seizure mahazar would in no way affect the veracity of the seizure. Hence, he prayed for dismissal of the bail application.

5. I have given anxious consideration to the submissions made by the learned counsel on either side.

6. The main contention put forth by the learned counsel for the petitioner is with regard to the existence of the crime number in the seizure mahazar at the time of its preparation. As rightly contended by the learned counsel, the crime number has not been subsequently added by pen or any other material. On the other hand, the crime number itself has been typed along with the other contents of the seizure mahazar, which *prima facie* creates a serious doubt regarding the seizure. The learned counsel also relied upon the judgment of this Court in Crl.A.No.202 of 2023 (Pandian vs. Inspector of Police), wherein the learned Single Judge relied upon the judgment of the Hon'ble Supreme Court in ***Kaaljit Singh @ Pappu vs. State of Punjab, (2020) 14 SCC 9*** wherein it is held as under:



WEB COPY

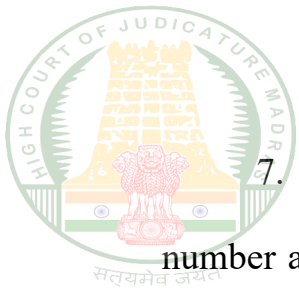


“ 6. This Court, in the recent decision in the case of *Mohan Lal Vs. The State of Punjab* – AIR 2018 SC 3853, has frowned upon the same police official being the informant and the investigating officer. The court has observed thus:

“25. In view of the conflicting opinions expressed by different two Judges Benches of this Court, the importance of a fair investigation from the point of view of an accused as a guaranteed constitutional right under *Article 21* of the Constitution of India, it is considered necessary that the law in this regard be laid down with certainty. To leave the matter for being determined on the individual facts of a case, may not only lead to a possible abuse of powers, but more importantly will leave the police, the accused, the lawyer and the courts in a state of uncertainty and confusion which has to be avoided. It is therefore held that a fair investigation, which is but the very foundation of fair trial, necessarily postulates that the informant and the investigator must not be the same person. Justice must not only be done, but must appear to be done also. Any possibility of bias or a predetermined conclusion has to be excluded. This requirement is all the more imperative in laws carrying a reverse burden of proof.”

7. Indeed, Manjit Singh (PW 2) had received information telephonically and had passed on the same to his contemporary who recorded the FIR but the fact remains that he himself investigated the case. The unfairness in investigation becomes more glaring when we peruse the search and seizure panchanamas. It is seen that the FIR number has been noted at the top of these panchanamas. It is unfathomable as to how the FIR number could be noted on the search and seizure panchanamas when the same were drawn up obviously at an earlier point in time and preceded the registration of the FIR. Even this discrepancy has not been explained by the prosecution at all. Furthermore, we find that the FIR has been registered by Nirmaljit Singh but he has not been examined by the prosecution and no explanation is offered in this regard as well.

8. All these deficiencies, in our opinion, create serious doubts and are fatal to the prosecution case, for which reason the appellant deserves to be acquitted of the stated offence by giving him the benefit of doubt. We order accordingly. The bail bond stands discharged. The appeal is allowed.”



7. The Hon'ble Supreme Court observed that the existence of the FIR number at the top of Panchanamas would cause serious doubt in respect of the seizure. Though the submissions made by the learned Government Advocate cannot be outrightly rejected at this stage, this Court is of the *prima facie* view that the crime number has been typed along with the other particulars in the seizure mahazar. Therefore, the existence of the crime number in the seizure mahazar *prima facie* creates a suspicion with regard to the very seizure. Accordingly, by relying upon the judgment of the Hon'ble Supreme Court reported in ***Kaaljit Singh @ Pappu vs. State of Punjab, (2020) 14 SCC 9***, this Court is of the firm view that the petitioner has made out a reasonable case to overcome the rigour under Section 37 of the NDPS Act. Further, the petitioner has been in judicial custody since 11.03.2026 and the charge sheet has already been filed. Hence, taking into consideration the above aspects, this Court is inclined to enlarge the petitioner on bail, subject to certain conditions:

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty-Five Thousand only), with two sureties for a like sum each to the satisfaction of the **Principal Special Court under EC & NDPS Act cases at Chennai**, and subject to the following conditions:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship



WEB COPY



[Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

(b) The petitioner shall surrender his passport before the Investigating Officer, if available; in the absence of a passport, the petitioner shall file an affidavit to that effect;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation;

[d] the petitioner shall not abscond either during investigation or trial;

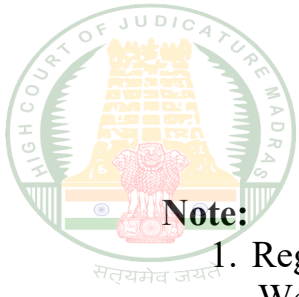
[e] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[f] on breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions had been imposed and the petitioner released on bail by the learned Magistrate/Trial Court itself, as laid down by the Hon'ble Supreme Court in *P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]*;

[g] if the petitioner thereafter abscond, a fresh FIR may be registered under Section 269 of the Bharatiya Nyaya Sanhita, 2023.

20-07-2026

NSL



Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.

WEB COPY

2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1. The Principal Special Court under EC & NDPS Act cases at Chennai.
2. The Central Prison, Puzhal, Chennai.
3. The Inspector of Police, D1, Thiruttani Police Station, Thiruvallur District.
4. The Public Prosecutor, High Court of Madras.



WEB COPY

CRL OP No. 15927 of 2



C.KUMARAPPAN, J.

NSL

CRL OP No. 15927 of 2026

20-07-2026