



WEB COPY

CRL OP No. 17932 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-07-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 17932 of 2026

Muhammed Ameen
S/o.Abdul Azeez,
Arakkal House,
Kothaparamba Post, Ala,
Kodungallur, Thrissur,
Kerala-680668

..Petitioner(s)

Vs

State Rep by, The Inspector of Police,
Guduvancherry PEW,
Kancheepuram.
Cr. No. 290 of 2024

..Respondent(s)

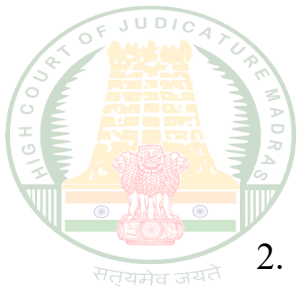
Prayer: Criminal Original Petition filed under section 483 of BNSS, 2023 to enlarge the petitioner accused on bail in CC.No.712 of 2025 on the file of Principal Special Court under EC and NDPS act, Chennai.

For Petitioner(s): Mr.E.K.Kumaresan

For Respondent(s): Mr.Yogaraja Sekar
Counsel for Government of Tamil Nadu
(Criminal Side)

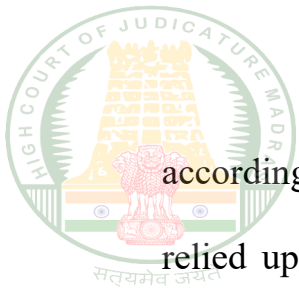
ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.12.2024 for the alleged offences under Sections 8(c), 20(b)(ii)(A) and 22(c) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.290 of 2024 on the file of the respondent police, seeks bail.



2. The case of the prosecution is that based on a specific information about the illegal trafficking of narcotic substances near GST Road, Potheri Railway Station, when the respondent police conducted search, they found the accused in illegal possession of 650 grams of Ganja and 15 LSD stamps weighing about 0.12 grams. Hence, the complaint.

3. The learned counsel for the petitioner submitted that this is the third bail application filed by the petitioner. He further submitted that the petitioner was arrested and remanded to judicial custody on 25.12.2024 and that the recovery made from him was 650 grams of ganja and 15 LSD stamps weighing about 0.12 grams, which is a commercial quantity. The main ground urged by the learned counsel for the petitioner is that the provisions of Section 48 of BNS Act have not been complied with. According to the arrest memo, the petitioner's father was informed of the arrest in person. However, the remand report states that the information was conveyed to the petitioner's father through phone. This discrepancy, according to the learned counsel for the petitioner, clearly indicates that the petitioner's father was abroad at the relevant point of time and, therefore, could not have been informed in person. He further submitted that there are discrepancies in Form-4 with regard to the quantity of the LSD stamps. While one portion of the form mentions the weights as 0.12 grams, other portions refer to it as 0.17grams and 0.22 grams. Therefore,



according to the learned counsel, the alleged quantity of 0.12 grams cannot be relied upon. He further submitted that the petitioner is a student and he has been in incarceration for a quite long time. He further submitted that the Sister's marriage has been fixed and that the charge sheet has also been filed. Hence, he prays for grant of bail to the Petitioner.

4. The learned Government Advocate (Crl.Side) strongly opposed the bail application and submitted that notwithstanding the contentions raised by the petitioner, the recovery of the commercial quantity was made only from the petitioner. He further submitted that though the learned counsel for the petitioner relied upon the discrepancy in the weight of the LSD stamps, the variation is only marginal and attributable to the sensitivity of the weighing machine, as the quantity involved is very small. He further submitted that the provisions of Section 48 of BNS have been duly complied with, as the petitioner's father was informed of the arrest through phone. Therefore, the inadvertent reference in the arrest memo stating that he was informed "in person" cannot be taken undue advantage of by the petitioner. He further submitted that, even assuming such discrepancies exist, they are matters to be considered during the course of trial and cannot constitute a ground for granting bail at this stage. Hence, he opposed the grant of bail to the Petitioner.

5. I have given my anxious consideration to either side submissions and

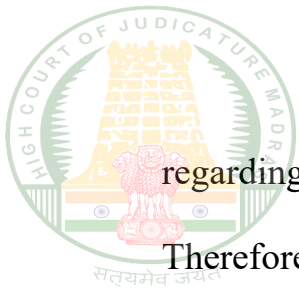


perused the materials available on record.

WEB COPY

6. Coming to the question of quantity, this Court finds that the learned counsel for the petitioner has rightly pointed out that Form-4 contains references to the weight of the LSD stamps as 0.12 grams, 0.17 grams and 0.22 grams. However, the very same Form-4 indicates that there was fluctuation in the weight on account of the sensitivity of the weighing machine, and the investigation agency has taken lesser weight of 0.12 grams into consideration. Therefore, the reference to different weighs is of no significance. In fact, the benefit of the lesser weight has been extended to the petitioner. As rightly contended by the learned Government Advocate, the weighing machine used is highly sensitive and measures minute quantities, and therefore such marginal fluctuations are bound to occur. Even if the lesser weight of 0.12 grams is taken into account, the quantity falls within the commercial quantity.

7. Coming to the other contention regarding compliance with Section 48 of BNS, it is true that the arrest memo records that the petitioner's father, Abdul Azeez, was informed "in person". However, a reading of the vernacular version indicates that it refers to the information having been conveyed orally or through phone. Further, the remand report and the submissions made by the learned Government Advocate (Crl.Side) clearly disclose that the petitioner's father was not in India at the relevant point of time and that the information



regarding the petitioner's arrest was conveyed to him over the phone.

Therefore, merely because the arrest memo contains the words "in person", the requirement under Section 48 of BNS can't be held as if the same was not substantially complied with. Admittedly, petitioner's relative was duly informed of the arrest but not in person but by phone. As regards the submission that the petitioner's sister's marriage has been fixed, this Court is of the considered view that the said circumstances, cannot constitute to overcome the rigours under Section 37 of NDPS Act, when the recovery itself is a commercial quantity. Hence, this Court is not inclined to enlarge the petitioner on bail.

8. Accordingly, this Criminal Original Petition is dismissed.

10-07-2026

DRL

To

1. The Inspector of Police,
Guduvancherry PEW
Kancheepuram.

2. The Public Prosecutor,
High Court, Madras.



WEB COPY

CRL OP No. 17932 of 2



C.KUMARAPPAN, J.

DRL

CRL OP No. 17932 of 2026

10-07-2026