



Crl.O.P.Nos.303 & 2481 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2025

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.Nos. 303 & 2481 of 2025

Aruni Raj

Petitioner in Crl.O.P.No.303 of 2025

Aravind Balaji

Petitioner in Crl.O.P.No.2481 of 2025

Vs

The State represented by,
The Inspector of Police
V-3, J.J.Nagar Police Station,
Chennai.
(Crime No.728 of 2024)

Respondent in both Crl.O.Ps.

COMMON PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioners on bail in Crime No.728 of 2024 pending investigation on the file of the respondent Police.

In both Crl.O.Ps.,

For Petitioners : Mr.B.Mohan

For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)



Crl.O.P.Nos.303 & 2481 of 2025

COMMON ORDER

WEB COPY

Petitions seeking bail in respect of Crime No.728 of 2024 registered for the offences punishable under Sections 8(c), 22(c), 29(1) of Narcotic Drugs and Psychotropic Substance Act, and later altered into Sections 8(c), 22(c), 29(1) & 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substance Act, is on board for consideration.

2. The incarceration of the petitioners/A7 and A2 being from 09.11.2024 and 05.11.2024 respectively, pleading innocence and claiming false implication, Mr.B.Mohan, learned counsel for the petitioners seeks the indulgence of this Court. In respect of the petitioner/A2 in Crl.O.P.No.2481 of 2025, the learned counsel for the petitioner submits that this is the second bail application of the petitioner, who is currently pursuing B.E. Mechanical at Hindustan University, Chennai. He further submits that the petitioner/A2 is alleged to have been arrested only based on the confession statement recorded from the first accused. He also submits that the petitioner/A7 in Crl.O.P.No.303 of 2025 is a native of Jharkhand and he is currently pursuing M.Tech (Integrated) Computer Science at SRM University, Kattankolathur.

3. He further submits that, following the registration of the case and the subsequent events, the respondent issued a press release, which led to the



Crl.O.P.Nos.303 & 2481 of 2025

publication of a news item in the online edition of *The Hindu* on 04.11.2024 at 22:30 hours and *Times of India*, stating that the petitioners had been arrested by the respondent Police and the same news appeared in the print edition of *The Hindu* on 05.11.2024, confirming that the petitioners were taken into custody on 04.11.2024. However, the prosecution case had claimed that A2 was implicated based on a confession statement recorded from A1 on 05.11.2024 at 09.00 hours and A7 was arrested on 09.11.2024 at 9.15 hours and remanded on the same day. This inconsistency raises serious doubts about the credibility of the prosecution's case. The learned counsel submits that given these contradictions, there are reasonable grounds to believe that the petitioners have not committed the alleged offense. Therefore, the learned counsel seeks bail for the petitioners.

4. Additionally, the learned counsel has also filed a copy of A7's ID card of Hindustan College and A2's Marksheet of SRM and the online published news article from *The Hindu*, the print version of the said news. He also submits that when the arrest is doubtful, the petitioners are entitled to bail and further submits that this Court, finding that there were doubts in the prosecution case concerning the arrest and recovery from A1 and other accused, has granted bail to A1 and other accused in Crl.O.P.Nos.31758 of 2024 and batch dated 29.01.2025. He also submits that the petitioners were implicated only based on the confession



Crl.O.P.Nos.303 & 2481 of 2025

statement recorded from the other accused and they are ready to abide by any stringent condition that may be imposed by this court. Hence, he prayed for grant of bail to the petitioners.

5. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that on 03.11.2024, at about 10.00 hours, the Sub-Inspector of Police, who was in station duty, received a secret information about the illegal transportation of narcotic substances and on receipt of the said information, he along with his police team visited the scene of occurrence i.e., near E.B. Park, Mogappair, where, A1/Karthikeyan was found to be in a suspicious circumstances. On seeing the Police, A1 attempted to escape from the spot and the respondent caught hold of him and conducted search, during which, they recovered 17 LSD Stamps, 48 MDMA tablets and a Samsung 23 Ultra Mobile Phone from his possession. Thereafter, the respondent Police have arrested A1, recorded his confession statement and based on which, registered a case in Crime No.728 of 2024 under Sections 8(C) r/w 22(c), 29(1) of Narcotic Drugs and Psychotropic Substance Act @ under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act.

6. During the course of investigation, it came to light that A1 used to purchase the contraband from the other states and sell the same in Tamil Nadu,



Crl.O.P.Nos.303 & 2481 of 2025

particularly to college students. The confession statement of A1 further reveals that he had purchased the contraband from A2 (petitioner in Crl.O.P.No.2481 of 2025) by using Reddit App and consumed the same and also selling the contraband to his friends and known persons with the help of A2 for their personal gain. Based on the confession of A1, A2/Aravind Balaji was arrested on 05.11.2024 and from him, 48 MDMA tablets, a Samsung 23 Ultra phone were recovered. Based on the confession of A2, A3/Vatsal was arrested and from his possession, 80 LSD stamps and a mobile phone were recovered. Later, A1 to A3 were produced before the Judicial Magistrate Court, Ambattur and remanded to judicial custody.

7. Based on the confession statement recorded from A-1 to A-3, the respondent have arrested A4/Mohammed Ghouse, and A5/Jainnullapudhin on 06.11.2024 and from their confession, 1.100 kilograms of Ganja and 8 grams of OG Ganja were seized. Later, 09.11.2024, A6/Hari Shankar and A7/Aruni Raj (Petitioner in Crl.O.P.No.303 of 2025), were arrested by the respondent and from A6, I phone 11 Pro, I Pad Laptop, 50 LSD Stamps and from A7, I phone 14 Pro, 50 LSD Stamps were recovered. Further, during the course of investigation, A8 to A19 were arrested and from them, in-between quantity contraband was recovered.



Crl.O.P.Nos.303 & 2481 of 2025

WEB COPY

8. The Specific recovery of contraband from the accused is as follows:-

8

13. It is submitted that during the course of investigation, I have produced the seized contraband and materials before the Special Court for EC/NDPS Act, Chennai and taken on file vide A.No.1319/2024 & B.No.839/2024.

14. It is submitted that the specific overact of the accused is as follows:-

S. No	Name of the accused	Contraband seized (Or) Other Property	Commercial/ Non Commercial	NDPS Schedule No.	Chemical Report
1.	A-1 / Karthikeyan	LSD Stamp-17,			Yet to obtained
2	A-2/ Aravind Balaji	MDMA Tablet - 48,			Yet to obtained
3	A-3/ Vatsal	LSD Stamp - 30,	----	----	Yet to obtained
4	A-4/ Mohammed Gouse	seized 1.100 Kg Ganja, OG	----	---	Yet to obtained
5	& A-5/ Jainnullapudh in	Ganja- 8 gram	----	---	Yet to obtained
6	A-6/ Hari Shankar	LSD Stamp-30	----	---	Yet to obtained
7	A-7/ Aruni Raj	LSD Stamp-30	----	---	Yet to obtained
8	A-8/ Dharun sha	300 gram Ganja	----	---	Yet to obtained
9	A-9/ Zidan Mohammed Zabin	Ganja Oil - 10 mini bottle	----	---	Yet to obtained
10	A-10/ Hasif. K.R.	Ganja-400 gram, Ganja Oil- / mini Bottle	----	---	Yet to obtained



Crl.O.P.Nos.303 & 2481 of 2025

WEB COPY

9					
		Methamphetamine ine -0.5 Grams			
11	A-11/Alakhan Thuklak	No recovery	----	---	----
12	A-12/ Mohammed Riyas Ali,	No recovery	----	---	----
13	A-13/ Yugesh,	CG Ganja - 4 gram	----	---	Yet to obtained
14	A-14/ Syed Zaki	No recovery	----	---	----
15	A-15/ Fazil Ahamed,	No recovery	----	---	----
16	A-16/ Santhosh Kumar,	No recovery	----	---	----
17	A-17/ Kumaran,	No recovery	----	---	----
18	A-18/ Naves Mohammed	CG Ganja- 60 gram Indian Currency Rs. 28,000/- Foreign Currency Rs. 5 Note-1 Rs. 20 Note- 5 Rs.50 Note-2 Rs.100 Note- 12 Rs.1000 Note-1	---	----	----
19	A-19/ Asoruddin	1. CG Ganja -350 gram 2. Digital weighing Machine-1 3. Packing cover - 100 pieces 4. Cash	----	---	Yet to obtained

காவல் ஆய்வாளர்
493 குடிபெரு நகர் காவல் நிலையம்



Crl.O.P.Nos.303 & 2481 of 2025

WEB COPY

10

		counting Machine-1 5. Brown Colour Tanishq box containing white Gold Diamond necklace with earring 17.32 grams 6. Maroon Colour Tanishq soft box containing diamond pendant with gold chain 5.14 grams. 7. Brown Colour Tanishq box containing gold and diamond necklace with earring 26.32 grams. 8. Gold Colour tanishq box containing gold chain with diamond pendant along with bill 31.52 grams 9. Red Colour Kalyan box containing			
--	--	--	--	--	--



Crl.O.P.Nos.303 & 2481 of 2025

WEB COPY

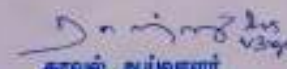
11

	gold Jimik with ruby 10.15 grams 10. Blue Clour SWA box containing gold . bracelet with diamond and green stone 5.56 grams. 11. Blue Colour SWA oval box containing gold 2 bracelet, 2 ring 5 pendant 30.51 grams 12. Orange colour Hermes box containing imitation/Ar tificial bracelet.			
--	---	--	--	--

15. It is submitted that now the case is under investigation to do the following aspects:-

(i) To examine Some More Witness

(ii) To sent the sample of seized contraband to the Forensic Science Laboratory for Chemical Analysis and obtained the report.


காவல் ஆய்வாளர்
விடுதலைப் புலிகள் தலைமையகம்



Crl.O.P.Nos.303 & 2481 of 2025

WEB COPY

9. The learned Government Advocate (Criminal Side) further submits that, even if it is assumed, for the sake of argument, that there was a violation by the police in not producing the accused within 24 hours of their arrest, the accused can only seek relief while still in custody and once the accused have been produced before the Magistrate and remanded to custody, they cannot seek liberty on the grounds of non-compliance with Article 22(2) or Section 167 of the Cr.P.C. by the police. He further submits that the quantity of contraband recovered from A1, A3, A6 and A7 are commercial quantity and thereby, rehearse of Section 37 of NDPS Act will operate against them. He further clarifies that with regard to the press release, the respondent Police have not issued any such press release regarding the arrest of the accused

10. By way of reply, Mr.B.Mohan, the learned counsel for the petitioners submits that this is not a case where the petitioners are challenging their illegal custody, but they are questioning the validity of the registration of the case and the subsequent events. The learned counsel further submits that A1 was taken into custody on 03.11.2024 from his residence and later shown to be arrested near a park with the contraband. From the confession statement recorded from A1, A2 was arrested and similarly, A3 was also alleged to have been taken



Crl.O.P.Nos.303 & 2481 of 2025

into custody based on a confession statement recorded from A2, who was said to have been arrested on 05.11.2024, whereas, the materials and documents suggests that all of them were actually taken into custody on 04.11.2024. The learned counsel further submits that the petitioners are college students with no prior criminal records and he would reiterate that when there are serious doubts relating to the prosecution case, there is every reason to believe that the accused are not guilty of the offences.

11. Having heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record including the counter affidavits filed by the respondent, this Court does not want to delve deeply into the matter, as the investigation is still pending. However, taking into consideration the discrepancies in the investigation as pointed out by the learned counsel for the petitioners based on the documents furnished along with the bail petition and that the co-accused were enlarged on bail, this Court is of the opinion that the petitioners have satisfied the conditions required under Section 37 of the NDPS Act for the granting of bail and thereby, this Court is inclined to grant bail to the petitioners with certain conditions and accordingly, the petitioners are ordered to



Crl.O.P.Nos.303 & 2481 of 2025

be released on bail on their executing a separate bond each for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, (Out of the two sureties, one must be either the father or mother of the petitioners) each for a like sum to the satisfaction of the learned **Principal Special Court under EC & NDPS Act, Chennai**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall report before the respondent Police, everyday at 06.30 p.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***;



Crl.O.P.Nos.303 & 2481 of 2025

WEB COPY

[f] If the accused thereafter abscond, a fresh FIR can

be registered under Section 269 of B.N.S.

07.02.2025

ham

To

1. The Principal Special Court under EC & NDPS Act,
Chennai.
2. The Inspector of Police
V-3, J.J.Nagar Police Station, Chennai
3. The Superintendent
Central Prison, Puzhal, Chennai
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.Nos.303 & 2481 of 2025

A.D.JAGADISH CHANDIRA, J.

ham

Crl.O.P.Nos. 303 & 2481 of 2025

07.02.2025