



Crl. O.P. No.2427 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl. O.P. No.2427 of 2025

Mohamed Roshan

... Petitioner / Accused

Vs.

The Union represented by:

The Inspector of Police,
S-4 Nandambakkam Police Station,
Chennai.
(Cr. No.158 of 2024).

... Respondent

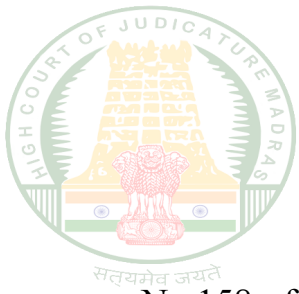
PRAYER: The Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Cr. No.158 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.D. Raja

For Respondent : Mr. Leonard Arul Joseph Selvam
Government Advocate (Crl. Side).

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 23.12.2024 seeking bail in Cr.



Crl. O.P. No.2427 of 2025

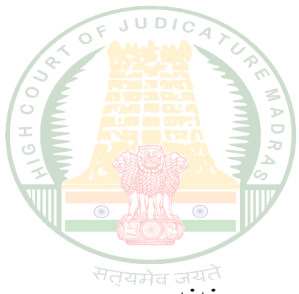
No.158 of 2024 registered for the offences under Sections 8(c), 22(C) & 29(1) of NDPS Act.

2. The case of the prosecution is that based on secret information, the respondent caught hold of the petitioner and seized MDMA Narcotics tablets each weighing about 0.1142 grams totally 10.28 grams, which is a commercial quantity and that based on his confession, A2 was arrested.

3. The learned counsel appearing for the petitioner submitted that the allegations against the petitioner are false; that A2 was granted bail; that the respondent police have not properly weighed the contraband; and that in any case, considering the period of incarceration of the petitioner, further custody of the petitioner is not required and hence prayed for grant of bail.

4. The learned Government Advocate (Criminal side) appearing for the respondent reiterated the prosecution case and filed the counter of the respondent police.

5. A perusal of the counter affidavit of the respondent would reveal that the



Crl. O.P. No.2427 of 2025

petitioner was intercepted and based on secret information, he was found to be in possession of MDMA Narcotics tablets each weighing about 0.1142 grams totally 10.28 grams, which is a commercial quantity. Hence rigors of Section 37 of NDPS Act would be applicable and the petitioner has not satisfied the twin conditions under Section 37 of NDPS Act.

6. Therefore, this Court is not inclined to grant bail to the petitioner at this stage.

7. Accordingly, the Criminal Original Petition is dismissed.

13.03.2025

mjs

To

1. The Inspector of Police, S-4 Nandambakkam Police Station, Chennai.
2. The Public Prosecutor, High Court of Madras.



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Crl. O.P. No.2427 of 2025

SUNDER MOHAN., J.

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Crl. O.P. No.2427 of 2025

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