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Crl.O.P.No.4558 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 22.04.2025

PRONOUNCED ON : 29.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.4558 of 2025

S.Ravi

... Petitioner/A3

Vs.

State Rep. by

The Sub-Inspector of Police,

K-8, Arumbakkam Police Station, Chennai. ... Respondent/Complainant

[Cr.No.613 of 2024]

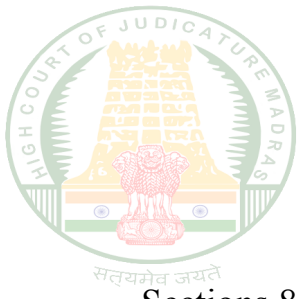
PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the case in Cr.No.613 of 2024 on the file of the respondent.

For Petitioner : Mr.Kasi Viswanathan

For Respondent : Ms.J.R.Archana
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 31.12.2024 seeking bail in connection with the case in Cr.No.613 of 2024 registered for the offence under



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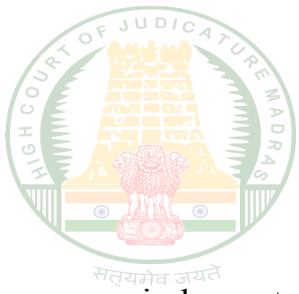
Sections 8(c), 22(c), 25 & 29(1) of NDPS Act, 1985.

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2. The case of the prosecution is that A1 and A2 were found in illegal possession of 14.900 kgs and 13.500 kgs of Ketamine respectively; that on their confession statement, the petitioner herein/A3 was arrested who was found in possession of 10.010 kgs of ketamine and A4 was found in possession of 1.388 kgs of Methamphetamine and 4.951 kgs of suspected contraband along with pistol; that their confession revealed that they have purchased the said contraband from A7 and A8.

3. The learned counsel for the petitioner submitted that the allegations against him are false; that the footage of CCTV found in the petitioner's house would reveal that the petitioner was not arrested in the manner alleged by the prosecution and that the seizure, therefore, is false; and that the prosecution had not produced the contraband before the Court concerned, which would show that the contraband was never seized from the petitioner.

(ii) The learned counsel relied upon the order passed by this Court in Crl.OP.(MD) Nos.20151 and 20162 of 2024 and further relying upon the



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judgments of the Hon'ble Supreme Court in ***Bharat Chaudhary v. Union of India***, reported in **2021 SCC OnLine SC 1235** and ***Thana Singh v. Central Bureau of Narcotics***, reported in **2010 SCC OnLine SC 944**, submitted that the petitioner has satisfied the twin conditions under Section 37 of the NDPS Act and prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police *per contra* submitted that the petitioner was found in possession of commercial quantity of Ketamine (10.010 kgs); that the contraband was produced before the learned Magistrate; that the submissions of the learned counsel for the petitioner, therefore, cannot be countenanced; and that there are thirteen previous cases against the petitioner.

5. This Court considered the rival submissions and perused the materials available on record.

6. According to the prosecution, the petitioner was found in possession of 10.010 Kgs of Ketamine. The petitioner, therefore, has to satisfy the twin conditions under Section 37 of the NDPS Act, for grant of bail. The main ground



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raised by the petitioner is that the petitioner was not arrested at the time and place as claimed by the prosecution. This is disputed by the prosecution. At this stage, this Court cannot render a finding on the said issue in the facts and circumstances of the case. The other ground raised by the petitioner is that the seized properties were not produced before the Special Court. It is seen that the respondent had produced the case property before the Special Court on 29.01.2025 and the same was returned by the learned Judge.

7. In any case, this Court is of the view that the points raised by the petitioner do not satisfy the twin conditions under Section 37 of the NDPS Act. Hence, this Court is not inclined to grant bail to the petitioner at this stage.

8. Accordingly, the Criminal Original Petition stands dismissed.

29.04.2025

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SUNDER MOHAN., J.

ars

To

- 1.The Principal Special Judge, Principal Special Court under EC & NDPS Act, Chennai.
- 2.The Sub-Inspector of Police, K-8, Arumbakkam Police Station, Chennai.
- 3.The Public Prosecutor, High Court, Madras.

Pre-delivery order
CrI.O.P.No.4558 of 2025
(2/2)

29.04.2025