



Crl. O.P. No.5293 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.5293 of 2025

Shahul Hameed S/o. Mohamed Sultan

... Petitioner/Accused-6

Vs.

The State represented by-

The Inspector of Police,
M-1 Madhavaram Police Station,
Chennai.
(Crime No.1176 of 2024).

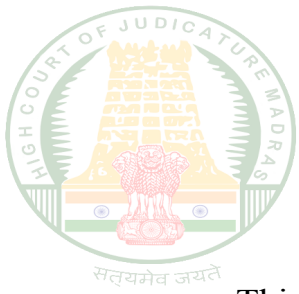
... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.1176 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr. R.C. Paul Kanagaraj,
Senior counsel

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

ORDER



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This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 30.12.2024, seeking bail in Crime No.577 of 2024 registered for the offence under Sections 8(c), 22(c), 25 and 29(1) of NDPS Act.

2. The case of the prosecution is that on secret information, the petitioner, along with another accused, was found in illegal possession of 65 grams of Methamphetamine, which is a commercial quantity; that initially A1 was arrested and based on his confession, the petitioner was arrested on 30.12.2024 at 23.50 hours and contraband was seized.

3. The learned senior counsel appearing for the petitioner submitted that the allegations against the petitioner are false; that the petitioner was arrested by the respondent police on 27.12.2024 at about 14.30 hours. The learned counsel produced the copy of CCTV footage to substantiate the said fact. The senior counsel submitted that on 30.12.2024 at about 2.30 p.m., the petitioner's son had sent a representation to the Hon'ble Chief Justice and the State Human Rights Commission stating that the petitioner was arrested on 27.12.2024 and that he was illegally detained by the respondent and prayed for action; that the above

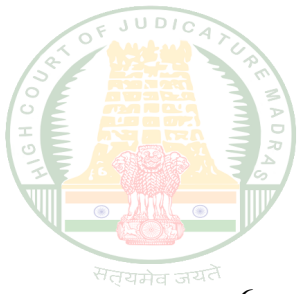


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facts would clearly show that the arrest and recovery from the petitioner are false; that the petitioner has satisfied the twin conditions under Section 37 of NDPS Act; and considering the period of incarceration, he may be released on bail.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, reiterated the prosecution case and submitted that the petitioner has not satisfied the twin conditions under Section 37 of the NDPS Act.

5. A perusal of the typed set filed by the learned Senior counsel appearing for the petitioner would show that the petitioner's son has sent a representation dated 30.12.2024 at 2.30 p.m. by speed post complaining about the arrest on 27.12.2024 and the illegal detention of the petitioner. The fact that the representation was sent, is not in dispute. The petitioner has no previous antecedents. Hence, taking into consideration of the above facts, this Court is of the view that the version of the petitioner that he was not arrested in the manner alleged by the prosecution is probable. Consequently, the recovery from the petitioner is doubtful. It is made clear that the above observation is made only for the purpose of this application. It is for the prosecution to prove their case in the manner known to law.



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6. Considering the aforesaid facts, this Court is of the view that the petitioner has satisfied the twin conditions under Section 37 of NDPS Act. Hence, taking into consideration the aforesaid facts, nature of allegations, period of incarceration and since further custody of the petitioner is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Principal Special Court under EC & NDPS Act Cases, Chennai**.

[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 petitioner shall report before the trial Court concerned, every day at 10.30 a.m., until further orders;

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



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[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]***;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

11.03.2025

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To

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



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SUNDER MOHAN., J.

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