



Crl.O.P.No.9334 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 24.04.2025

PRONOUNCED ON : 29.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.9334 of 2025

Karthick

... Petitioner/A2

Vs.

State Rep. by

The Inspector of Police,

M-1 Madhavaram Police Station,

Chennai.

[Cr.No.1176 of 2024]

... Respondent/Complainant

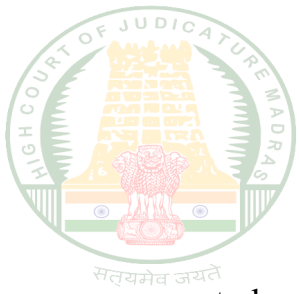
PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the case in Cr.No.1176 of 2024 on the file of the respondent.

For Petitioner : Mr.R.C.Paul Kanagaraj
for Mr.S.Kasirajan

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was

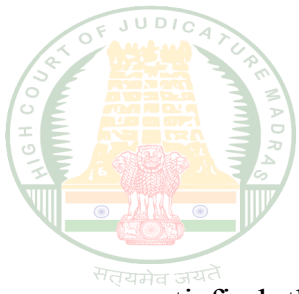


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arrested and remanded to judicial custody on 22.12.2024 seeking bail in connection with the case in Cr.No.1176 of 2024 registered for the offence under Sections 8(c), 22(c), 25 and 29(1) of NDPS Act.

2. The case of the prosecution is that based on the secret information, the respondent police arrested the first accused, who was found in possession of 17.300 Kgs of Methamphetamine; that on his confession, the other accused including the petitioner was arrested on 21.12.2024 and he was found in possession of 100 gms of Methamphetamine; that similar quantity of contraband was seized from few other accused; and thus, all of them have committed the aforesaid offences.

3. (i) The learned counsel for the petitioner would submit that the allegations are false; that the petitioner has been implicated on the confession of the co-accused; that the petitioner was not arrested on the date and time mentioned by the prosecution; that he was arrested near a Dharga on 19.12.2024 at about 6.20 p.m.; that he was kept in illegal custody and therefore, the alleged seizure is false; that the wife of the petitioner had given a complaint to the Commissioner of Police about the illegal detention; that the petitioner has



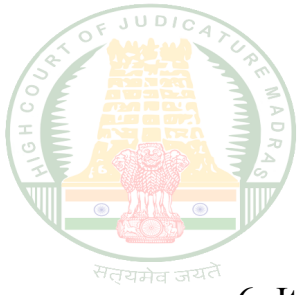
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satisfied the twin conditions under Section 37 of the NDPS Act; and hence, sought for bail.

(ii) The learned counsel for the petitioner further submitted that some of the co-accused who are also in possession of a commercial quantity of Methamphetamine, were released on bail by this Court, since they were not arrested on the date and time mentioned by the prosecution.

4. The learned Government Advocate (Crl.Side) while opposing the grant of bail to the petitioner, reiterated the prosecution case and submitted that the CCTV footages are false; that it has to be examined only during the trial; that the petitioner was found in possession of contraband; that the co-accused, who was granted bail by this Court stand on a different footing; and that since the petitioner has not satisfied the twin conditions under Section 37 of the NDPS Act, the petitioner cannot be released on bail.

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



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6. It is seen that though it is alleged that the petitioner was taken to illegal custody on 19.12.2024, the complaint was lodged by the wife only on 20.03.2025 and after the preliminary enquiry, the Commissioner of Police had informed the wife of the petitioner that the petitioner was taken to custody only on 21.12.2024. Though the petitioner has filed printouts of the CCTV footages said to be taken near a Dargah on 19.12.2024, the Court is unable to definitely conclude that the respondent had arrested the petitioner on 19.12.2024. Therefore, this Court is not inclined to grant bail to the petitioner at this stage.

7. Accordingly, the Criminal Original Petition stands dismissed.

29.04.2025

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SUNDER MOHAN., J.

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To

- 1.The Inspector of Police, M-1 Madhavaram Police Station, Chennai.
- 2.The Public Prosecutor, High Court, Madras.

Pre-delivery order
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29.04.2025