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CrI.O.P.No.11363 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2025

CORAM

THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.11363 of 2025

R.Raghul

... Petitioner

Vs

The State rep. by its
The Inspector of Police,
V-3 J.J.Nagar Police Station,
Avadi Commissionerate.
Crime No.728 of 2024.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioner on
anticipatory bail in the event of arrest by the respondent police in Crime
No.728 of 2024 on the file of the Inspector of Police, V-3 J.J.Nagar Police
Station, Avadi Commissionerate.

For Petitioner : Ms.R.Srinithi

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

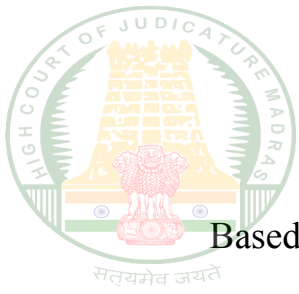


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ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 8(c) r/w. 22(c), 29(1) of NDPS Act @ 8(c) r/w. 22(c), 29(1) r/w. 20(b)(ii)(B) of NDPS Act in Crime No.728 of 2024, on the file of the respondent Police, seeks anticipatory bail.

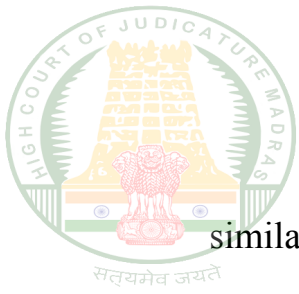
2.The case of the prosecution is that on 03.11.2024, at about 10.00 hours, when the Sub-Inspector of Police was in station duty, he received a secret information about illegal transport of Narcotic Substances. Thereafter, he went to the scene of occurrence along with his police team (i.e) Near E.B Park, Mogappair, wherein A1/Karthikeyan was standing suspicious. When the accused person saw the respondent police, he tried to escape from the spot. The respondent police caught hold of the accused and conducted search with A1 and found LSD Stamp-17, one iPhone Mobile in his possession. The respondent police arrested A1, recorded his confession statement and seized the above contraband along with materials from accused under the cover of seizure mahazar in the presence of witnesses.



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Based on the complaint, a case was registered in V-3 J.J. Nagar Police Station, Chennai in Crime No.728 of 2024 for the offence under Section 8(c) r/w.22(c), 29 (1) of NDPS Act @ u/s.8(c) r/w. 20(b)(ii)(B) NDPS Act against the accused on 03.11.2024 at about 19.40 hours and the case was taken up for investigation. During investigation, it came to know that the petitioner used to purchase the contraband and tried to sell the same in Tamil Nadu. Based on the confession of A4/Mohammad Ghouse and A5/Jainnulabudin, it is revealed that the petitioner purchased the contraband and supplied to A4 and A5 for his personal gain. From the date of arrest of A4 and A5, the petitioner/accused is absconding.

3.The contention of the learned counsel for the petitioner is that based on the confession of a co-accused, the petitioner was arrayed as accused in the above case. The petitioner's name does not find place in the FIR. The respondent conducted a search in the petitioner's house on 07.11.2024, seized electronic gadgets including his mobile phone and during the search, no contraband or any incriminating materials seized from the petitioner's premises. He would submit that earlier the petitioner was arrested in a



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similar nature of offence by H-1 Washermenpet Police Station in Crime No.288 of 2024, wherein the petitioner was arrested and projected as though he was in illegal possession of 5.5 grams OG kush Ganja and Zolphikem. The petitioner granted bail in that case by this Court in Crl.O.P.No.17348 of 2024 on 23.07.2024. Within four months thereafter, the present case filed. The petitioner sent a representation to the Commissioner of Police and other higher Police Officials narrating as to how the respondent police ill-treated him, committed illegal search and seizure of electronic gadgets from the petitioner but produced only one before the Court. Hence, as a counter blast, the petitioner was implicated in the above case. In this case, most of the accused were granted bail on the ground that there was no recovery of any contraband of commercial quantity from them. Hence, prayed for anticipatory bail.

4.The learned Government Advocate (Criminal Side) appearing for the respondent Police on the other hand strongly opposed the petitioner's contention and submitted that earlier the petitioner was involved in similar kind of offence and a case in Crime No.288 of 2024 registered by H1



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Washermenpet Police Station, he was arrested and later released on bail but thereafter to, the petitioner had been continuing to indulge in similar offences. The present case was registered by the respondent on 03.11.2024 against one A1/Karthikeyan, A2/Aravind Balaji and others, from whom contraband was seized and later on their confession, it was found that A4/Mohammed Ghouse and A5/Jainnullapudhin and other accused indulging in smuggling and pedaling in Narcotic and Psychotropic substances. He would submit that contraband of commercial quantity seized and alteration report file don 06.11.2024. A4 and A5 sourced the contraband through the petitioner. Though there may not be any seizure from the petitioner but the petitioner was actively involved with the other accused in the above case. He would further submit that custodial interrogation is required to identify the other persons involved in the offence and the source of the contraband. He further submitted that in the case of *Pratibha Manchanda vs. The State of Haryana* reported in (2023) 8 SCC 181, the Apex Court had crystallized the factors and parameters in considering the anticipatory bail. The Apex Court clearly held that the nature and gravity, antecedents and possibility of the applicant fleeing from

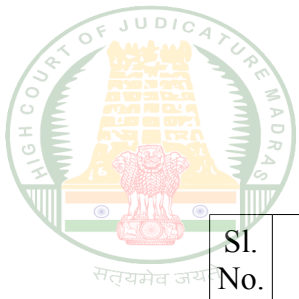


justice and likelihood to repeat similar offence are all to be considered.

Further, the primary concern should be the act of the petitioner and the impact to the society, particularly in cases of large magnitude affecting a very large number of people, anticipatory bail not to be granted.

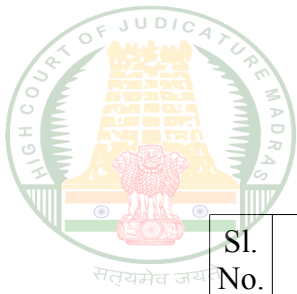
5.The learned Government Advocate (CrI. Side) fairly submitted that there was no recovery from the petitioner and also listed as to who are the accused from whom recoveries made, which are as follows:

Sl. No.	Name of the accused	Contraband seized (or) Other Property	Commercial / Non Commercial	NDPS Schedule No.	Chemical Report
1.	A1/Karthikeyan	LSD Stamp -17	----	----	Obtained
2.	A2/Aravind Balaji	MDMA Tablet - 48	----	----	Obtained
3.	A3/Vatsal	LSD Stamp - 80	----	----	Obtained
4.	A4/Mohammed Ghouse	Seized 1.100 kg Ganja, OG Ganja – 8 grams	----	----	Obtained
5.	A5/Jainnullapudhin		----	----	Obtained
6.	A6/Hari SHankar	LSD Stamp -50	----	----	Obtained
7.	A7/Aruni Raj	LSD Stamp -50	----	----	Obtained
8.	A8/Tharun Sha	300 grams Ganja	----	----	Obtained
9.	A9/Zidan Mohammed Zabin	Ganja Oil – 10 mini bottle	----	----	Yet to be obtained
10.	A10/K.E.Hasif	Ganja – 400 grams, Ganja Oil – 7 mini bottle Methamphetamine – 0.5 grams	----	----	Yet to be obtained



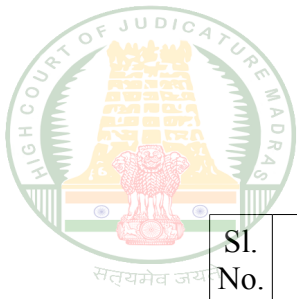
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Sl. No.	Name of the accused	Contraband seized (or) Other Property	Commercial / Non Commercial	NDPS Schedule No.	Chemical Report
11.	A11/Alikhan THuklak	No recovery	----	----	----
12.	A12/Mohammed Riyaz Ali	No recovery	----	----	----
13.	A13/Yukesh	OG Ganja – 4 grams	----	----	Yet to be obtained
14.	A14/Syed Zaki	No recovery	----	----	----
15.	A15/Fazil Ahamed	No recovery	----	----	----
16.	A16/Santhosh Kumar	No recovery	----	----	----
17.	A17/Kumaran	No recovery	----	----	----
18.	A18/Navas Mohammed	OG Ganja – 60 grams 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.	A19/Asarudhin	1. OG Ganja – 350 grams 2. Digital Weighing Machine – 1 3. Packing cover – 100 pieces 4. Cash counting machine – 1 5. Brown Colour Tanishq box containing While Gold Diamond necklace with earring 17.32	----	----	Yet to be obtained



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Sl. No.	Name of the accused	Contraband seized (or) Other Property	Commercial / Non Commercial	NDPS Schedule No.	Chemical Report
		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 gold Jimiki with ruby 10.15 grams 10.Blue Colour 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.			



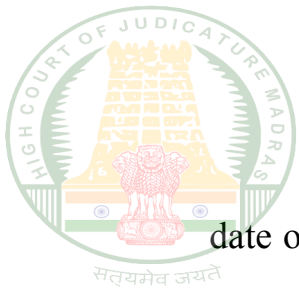
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Sl. No.	Name of the accused	Contraband seized (or) Other Property	Commercial / Non Commercial	NDPS Schedule No.	Chemical Report
		12.Orange Colour Hermes box containing imitation/Artificial bracelet			

Hence, he strongly opposed for granting anticipatory bail to the petitioner.

6.Considering the submissions made and on perusal of the materials, it is seen that the admitted position of the prosecution is that the petitioner is arrayed as A23, his house was already searched and electronic gadgets seized but no contraband or any incriminating materials seized during the search. This Court in similar situation where there is no recovery of any contraband or not possessing commercial quantity of contraband, granted bail. In view of the above, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen days from the



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date of receipt of a copy of this order, before the learned Principal Sessions Judge, EC and NDPS Court, Chennai on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the respondent Police or the Police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

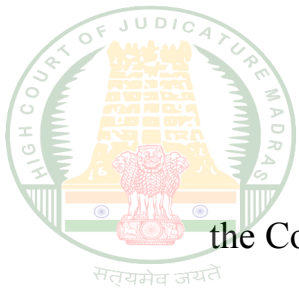
[b]The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identify proofs to ensure their identity;

[c]the petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders;

[d] the petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall make themselves available for interrogation by a Police officer as and when required;

[f] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for Police custody beyond the first fifteen days, they shall comply to the directions as may be given by



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the Court in this regard;

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

[h] 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 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];

[i] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

06.08.2025

cse

To

- 1.The Judicial Magistrate,
Ambattur.
- 2.The Inspector of Police,
V-3 J.J.Nagar Police Station,
Avadi Commissionerate.
- 3.The Public Prosecutor,
Madras High Court.



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M.NIRMAL KUMAR, J.

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