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Crl.O.P.No.12931 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.12931 of 2025

I.Mohamed Roshan

... Petitioner

Vs.

State Rep.by
The Inspector of Police,
S-4, Nandambakkam,
Chennai.
(Crime.No.158 of 2024)

... Respondent

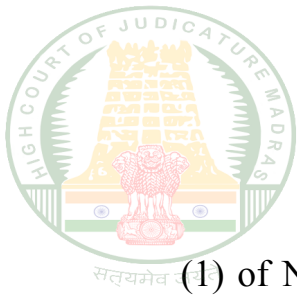
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime
No.158 of 2024 pending on the file of the respondent Police.

For Petitioner : Mr.G.Martin Manivannan

For Respondent : Mr.R.Vinoth Raja
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 23.12.2024, for the offence punishable under Sections 8(c), 22(c) & 29



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(1) of NDPS Act, 1985, in Crime No.158 of 2024, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that on 23.12.2024 at about 07.00 hours, when the Sub-Inspector of Police was in a station duty, he received a secret information about the illegal sale of contraband. Thereafter, he along with his police team went to the SOC near Buhari hotel, at Military Road Junction. At that time, the accused person A1/Mohammed Roshan came there by two wheeler along with the contraband and was found in possession of contraband 10.28 grams of (MDMA Tablets). Thereafter, A1 confessed that he purchased the contraband from A2/Mohammed Mudashi, Chennai and sells the same for his personal gain. Hence, the case.

3.The contention of the petitioner is that the petitioner has been arrested by the respondent police in Crime No.158 of 2024 on 23.12.2024 and projected the case as if the petitioner was found in possession of 10.28 grams of (MDMA Tablets) and he was coming in a two-wheeler and on interception, these tablets have been seized and it was a commercial quantity. Now on completion of investigation, charge sheet filed in CC.No.551 of



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2025. He further submitted that the respondent has admitted that from the forensic report, it has been found that the petitioner was in possession of 9.150 grams of 25 numbers of MDMA tablets. Hence, the charge against the petitioner under Section 22(c) has been altered into 22(b) and the charge sheet has been filed for offences under Sections 8(c) r/w 22(b), 25, 29(1) NDPS Act, 1985. It is further submitted that in this case, the statutory provision under Sections 50, 42 (2) & 57 not followed. Investigation has been completed and charge sheet filed. In view of the changed provision, Section 30(c) did not come into place and the petitioner was in prison for more than 7 months and prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case and submitted that the petitioner has got no previous case. The counter affidavit has been filed and the relevant portion is extracted hereunder:

“(i) Case of the Prosecution:

*The case of the prosecution is that on
23.12.2024 at about 07.00 hours, when
Tr.M.S.Ravi Sub-Inspector of Police was in a*



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station duty at that time he received the secret information about the illegal sale of contraband. Thereafter, he along with his police team (i.e.,) Grade-I 50908 Tr.Parthiban, HC 56693 Tr.Logeshwaran, HC 53462 Tr.Ranjith Kumar went to the SOC near Buhari hotel, at Military Road Junction. At that time the accused person A1/Mohammed Roshan came thereby two wheeler along with the contraband. Thereafter, the respondent police conducted search on the accused person and was found in possession of contraband 10.28 grams of (MDMA Tablets). The respondent police seized the above said contraband along with one cell phone, Two wheeler bearing Registration No.TN-01-BR-6528 TVS Rider and one weighing machine under the cover of seizure mahazar in the presence of witnesses. Thereafter the respondent police arrested the accused persons A1 and obtained confession statement from him. The accused A1 confessed that he purchased the contraband from A2/Mohammed Mudashi, Chennai and sell the same for his personal gain. The accused person along with the seized contrabands taken to the respondent police station. Hence, the complaint.



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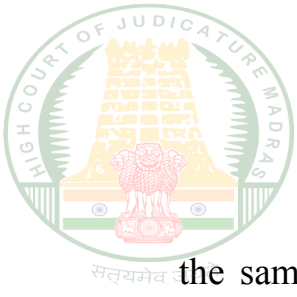
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(2) It is further submitted that during the course of investigation, on 23.12.2024 the sub-Inspector of Police arrested accused person (A1/Mohamed Roshan) seized 10.28 MDMA grams tablet, weight machine-1, empty cover-15 numbers, TVS raider bearing registration No.TN-01-BR 6528, mobile phone-1 and recorded his confession statement in the presence of witnesses and produced before learned Judicial Magistrate, Alandur and remanded him into Judicial custody.

(4) It is further submitted that during the course of investigation on 24.06.2025 I have altered the offences under Sections 8(c) r/w 22(C), 29(1) of NDPS Act @ 8(c) r/w 22(b), 25 & 29(1) of NDPS Act”.

5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case and the submissions made by the learned counsel on either side, it is seen that the petitioner is in incarceration for 7 months, investigation has been completed and charge sheet has been filed in CC.No.551 of 2025. It is found that the petitioner was having intermediate quantity of MDMA tablets. In view of



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the same, this Court is inclined to grant bail to the petitioner with certain conditions.

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7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned **Special Judge, Special Court under EC & NDPS Act, Chennai** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] **the petitioner shall appear before the trial Court on all hearing dates without fail;**

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;



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[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] 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, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;

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

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dna



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Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

- 1.The Special Judge, Special Court under EC & NDPS Act.
- 2.The Inspector of Police,
S-4, Nandambakkam,
Chennai.
(Crime.No.158 of 2024)
- 3.The Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

dna

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