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Crl.O.P.No.11693 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2025

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THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.11693 of 2025

B.Pradeep

... Petitioner

Vs.

The State represented by
The Inspector of Police,
K-2 Ayanavaram Police Station,
Chennai.

(Crime No.311 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner/Accused on bail in
Crime No.311 of 2024 pending on the file of the respondent.

For Petitioner : Mr.M.Venkadeshnan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 14.11.2024, for the offence punishable under Sections 8(c) read with
Section 22(c), 29(1), 20(b)(ii)(A) of the Narcotic Drugs and Psychotropic
Substances Act, 1985 in Crime No.311 of 2024, registered on the file of the
respondent, seeks bail.



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2. The case of the prosecution is that on 13.11.2024 at about 12.15 hrs., the respondent police received secret information about the illegal sale of narcotic substances. After receiving information, the police team went to the scene of occurrence, at that time, the respondent police found that two unknown persons standing in a suspicious manner and on seeing the police, they tried to escape from the place, immediately, the respondent police caught hold the accused person and enquired them and on search, they seized 23 LSD stamps from A1, 5 LSD stamps, 4.5 grams of Methamphetamine and 1 gram of OG from A2 and subsequently, the respondent police have taken samples of contraband and kept in the same bag and thereafter, the respondent police arrested the accused persons and recorded their confession statement from them.

3. The learned counsel for the petitioner submitted that, as per the investigation, after arrest of A1 and A2, recorded their confession, based on their confession, petitioner was arrested. He further submitted that, after the arrest of the petitioner, the statement of the petitioner was recorded and from him 10 MDMA Ecstasy pills (commercial quantity) were recovered,



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however, there is total non-compliance of Section 50, which is mandatory provision has not been complied with. He further submitted that, they have been arrested on 13.11.2024, however he was shown as arrest only on 14.11.2024. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) submitted that, as per the judgement of the Hon'ble Supreme Court of India has held in the case of **Vijaysinh Chandubha Jadeja Vs. State of Gujarat** reported in **Crl.A.No.943 of 2025** dated 29.10.2010 that the compliance of Section 50 has to decided only during the trial and not while granting bail.

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

6. On perusal of the entire records reveals that the respondent police has complied Section 50 in respect of other accused, the petitioner was directly arrested and the contraband was recovered from him. As cited supra, the Hon'ble Supreme Court has observed that the case of substantial compliance with the requirement of Section 50 of the NDPS Act shall be construed in the trial, however, it is further reported that, 50(1) of the NDPS



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Act is concerned, it is mandatory and it requires a strict compliance. Failure to comply with the provision would render the recovery of the illicit article suspect and vitiate the conviction if the same is recorded only on the basis of the recovery of the illicit article from the person of the accused during such search. In this case, though it is stated that, petitioner was arrested and confession statement was recorded from the petitioner, there is total non-compliance of Section 50. Since, there is total non-compliance of Section 50, which is mandatory provision, coupled with the fact that, there is no progress in the case. Further, taking into account that, co-accused was granted bail by this Court in Crl.O.P.No.28401 of 2025, I am inclined to grant bail to the petitioner

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **II NDPS Judge, Special Court for EC and 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 report before the respondent police daily at 10.30.a.m., for a period of three weeks and thereafter as and when required for interrogation;

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

[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**



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Kerala [(2005)13 SCC 283];

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

29.10.2025

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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 II NDPS Judge, Special Court for AC and NDPS Act, Chennai.
- 2.The Inspector of Police,
K-2 Ayanavaram Police Station,
Chennai.
- 3.The II NDPS Judge, Special Court for EC and NDPS Act, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

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K.RAJASEKAR, J.

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