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Crl.O.P.No.12597 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2025

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THE HON'BLE MR.JUSTICE K.RAJASEKAR

Crl.O.P.No.12597 of 2025

Pasupathi

... Petitioner

Vs.

The State rep by its,
The Inspector of Police,
E-3 Minjur Police Station,
Chennai.
(Crime No.343 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner/accused on bail on C.C.No.979 of 2024 pending trial on the file of the Principal Judge, Special Court for Trial of Cases under the Narcotic Drugs and Psychotropic Drugs Act, Chennai.

For Petitioner : Mr.G.Prabhakaran
For Mr.R.Karthik

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



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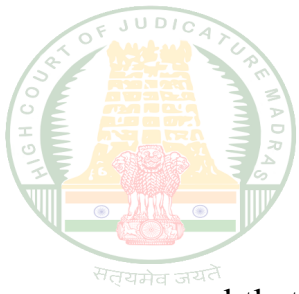
ORDER

The petitioner, who was arrested on 07.06.2024 by the respondent police in connection with Crime No.343 of 2024, for offences punishable under Sections 8(c) & 22(c) of The Narcotic Drugs and Psychotropic Drugs Act, 1985, seeks bail.

2. The allegation against the petitioner is that he was found in possession of 60 grams of Methamphetamine, based on prior information recorded by the police. Hence, the present case.

3. The learned counsel appearing for the petitioner submitted that, though the contraband seized was 60 grams of Methamphetamine, which is commercial quantity, the petitioner satisfies the violation of mandatory provisions relating to seizure and the place of occurrence. He further submitted that, though several cases have been cited against him, the other cases registered under the IPC are not of a similar nature.

4. To strengthen his submissions, the learned counsel for the petitioner drew the attention of this Court to the information recorded under Section 42 of the NDPS Act and the notice issued under Section 50 of the Act. He contended that, while the information and notice referred to the contraband being kept near Seemavaram Bridge and the accused being taken from that place, the records



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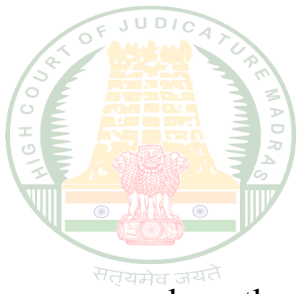
reveal that the contraband was actually seized from the possession of the accused.

According to him, this amounts to a categorical violation of the mandatory provisions. Hence, he prayed for grant of bail.

5. Per contra, the learned Government Advocate (Crl. Side) submitted that there is no contradiction between the information recorded and the notice issued under Section 50 of the NDPS Act, when compared with the other documents, particularly the seizure memo. He further submitted that the petitioner has several previous cases, including three NDPS cases apart from six other cases. Hence, he opposed the grant of bail.

6. Heard the learned counsel on either side and perused the materials available on record.

7. On perusal of the recorded information, it reveals that the police, on receipt of secret information, reduced it into writing. The Special Sub-Inspector recorded the same and obtained authorization from the Inspector of Police. Thereafter, notice under Section 50 of the NDPS Act was issued, citing the very same averments contained in the information. The seizure memo reveals that the petitioner was found in possession of 60 grams of Methamphetamine near Seemavaram Bridge, and the contraband was seized by the police. I am of the considered view that there is no material contradiction regarding the place from



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where the property was seized.

8. The learned counsel for the petitioner attempted to contend that the information referred only to contraband kept at a place and not to its possession by a person. However, on a careful perusal of the information, it is evident that it specifically refers to one person being in possession of contraband near the bridge. Hence, I find that there is no violation of the mandatory provisions of the Act.

9. Considering that the petitioner also has several previous cases, including three NDPS cases, I am of the view that the contention of the petitioner is liable to be rejected, since the conditions under Section 37 of the NDPS Act, were not fulfilled.

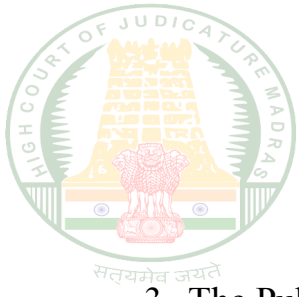
10. Accordingly, this Criminal Original Petition is dismissed.

19.09.2025

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To

1. The Judicial Magistrate No.II, Ponneri.
2. The Inspector of Police,
E-3, Minjur Police Station,
Chennai.



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3. The Public Prosecutor,
High Court of Madras.

K.RAJASEKAR, J.

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