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Crl.O.P.No.14185 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 11.06.2025
PRONOUNCED ON : 19.06.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.14185 of 2025

Sarath Kumar

... Petitioner

Vs.

State rep. By
The Inspector of Police,
M-1 Madhavaram Police Station,
Chennai.

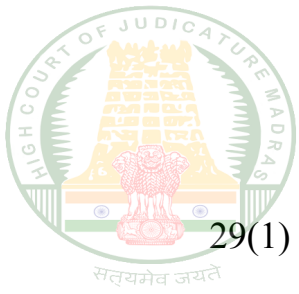
... Respondent

PRAYER : Criminal Original Petition is filed under Section 483 of BNSS, to enlarge the petitioner/A10 on bail in Crime No.1176 of 2024 pending investigation on the file of the respondent police.

For Petitioner	:	Mr.R.C.Paul Kanagaraj
For Respondent	:	Mr.L.Baskaran, Government Advocate (Crl. Side)

ORDER

The petitioner, arrested and remanded to judicial custody on 31.12.2024, for the offence punishable under Sections 8(c), 22(c), 25 and



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29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985 [NDPS Act] in connection with Crime No.1176 of 2024 on the file of the respondent, seeks bail.

2.This is the second bail application. Earlier bail application in CrI.O.P.No.7955 of 2025 was dismissed on 07.04.2025 for the reason that the petitioner failed to satisfy twin condition under Section 37 of Narcotic Drugs and Psychotropic Substances Act [NDPS Act].

3.The contention of the learned counsel for the petitioner is that the case projected against the petitioner is that 65 grams of Methamphetamine seized from the petitioner and huge seizures from the petitioner's godown. In this case, A1 and A2 arrested with contraband on 21.12.2024 and both taken to Police custody on 28.12.2024 for six days. The petitioner was enquired for about three days prior to his arrest on 30.12.2024. When the petitioner was attending the enquiry, he was kept under illegal custody, at that time, his house was searched and nothing recovered. But at the time of remand on 31.12.2024, it is projected that 65 grams of Methamphetamine was seized from the petitioner based on the confession of A1 during his



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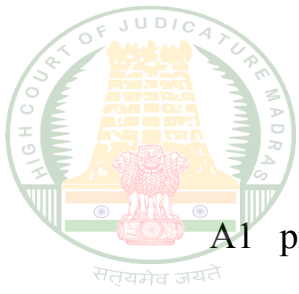
police custody on 30.12.2024. The petitioner was in the Police custody for three days prior to his arrest, hence the contraband was implanted against the petitioner. The petitioner though is projected to be the owner of the godown, no materials collected to prove that the petitioner is the owner of the godown and with his knowledge, the storage of goods made in the godown. In this case, the prosecution projects that major portion of the seizure was made in the petitioner's godown but at the instance of A1 and it is not the petitioner who identified the contraband and the petitioner was not having any knowledge about the contraband kept in his godown and handled by A1. The co-accused, namely, Diwan Mohammed/A3, Nirendhiran/A4, Shahul Hameed/A5, Lawrence/A6, Jansi Marida/A10, Vikash Mehadi/A11 and Shanmugam/A12 were granted bail, of whom, A3, A4, A11 and A12 granted bail for the reason that no contraband seized from them. As regards seizure of Methamphetamine, 63 grams of Methamphetamine seized from A5 and A6 separately and 72 grams of Methamphetamine seized from A10. A representation was sent by the son of Shahul Hameed/A5 to various authorities including the Hon'ble The Chief Justice of High Court, Madras complaining his father was taken by the respondent police on 27.12.2024 for enquiry and detained illegally. This Court finding the arrest and recovery



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from A5 on 30.12.2024 is doubtful, granted bail to A5 in Crl.O.P.No.5293 of 2025. On the similar lines, Lawrence/A6 who was arrested on 30.12.2024 was granted bail by this Court in Crl.O.P.No.7830 of 2025 and as regards Jansi Marida/A10, she is the wife of A1. Since A1 was arrested on 21.12.2024 and A10 residing in the same address till 30.12.2024, hence the possibility of concealing 72 grams of narcotic drugs by A10 is highly doubtful and for this reason, she was granted bail. The arrest of the petitioner is also on 30.12.2024 like that of A5, A6 and A10, hence the petitioner's arrest and recovery is highly doubtful. He further submitted that the petitioner is an Advocate enrolled in Bar Council of Maharashtra and Goa with Enrollment No.2646/2023 on 08.07.2023. Hence, prayed for bail.

4.The learned Government Advocate (Crl. Side) strongly opposed the petitioner's contention and submitted that in this case on a secret information received, the respondent police apprehends A1 and A2 on 21.12.2024 while they were proceeding in a two wheeler bearing registration No.TN-05-CH-7066 at MRH Road near Leather Goods, they were identified by the informer, the two wheeler was stopped and they were enquired about the concealment and smuggling of narcotic drugs and psychotropic substances.



A1 produced 1.400 kgs of Methamphetamine from the two wheeler, A2/driver of Diwan Mohammed/A3 was regularly purchasing Metaphetamine from A1. Since A3 was arrested in the drug case by N-3 Muthayalpet Police and he is in prison, A2 continued the business with A1. A1 in this case is a notorious regular offender of drug cases. Earlier, A1 went to Delhi along with his School friend and brother-in-law came in contact with drug cartel and was involved in smuggling of contrabands. Thereafter he was arrested by Patiala Police, convicted by the Trial Court for ten years and in appeal, he was let out on bail. Thereafter, A1 came to Chennai, renewed his earlier contacts in Delhi, Manipur and sourced the contraband, namely, PSEUDOEPHEDRINE and have been regularly receiving consignment from Delhi and from other Northern States, collecting the same from Redhills Tolgate, thereafter stocking it in the godown of the petitioner and dealing with it. On 17.11.2024 A4 sent 16 kgs of Methamphetamine through lorry, the same was received by A1 and kept safely in the petitioner's godown. On 20.11.2024, A4 was arrested by Arumbakkam Police in connection with another drug case. Thereafter, A1 contacted A4's son through Whatsapp and took the drugs to his custody, safely concealed in the petitioner's godown and thereafter the petitioner



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along with others dealt with the consignment knowing it to be drugs. Thus the petitioner was with conscious possession of the drugs and it is an interstate drug cartel involving people from various States including Delhi and leads upto Manipur. Hence, a deep and thorough investigation is required. So far 15 persons identified, of which, 12 persons arrested and 3 persons yet to be arrested.

5.In support of his contention, the learned Government Advocate (Crl. Side) produced the confession statement of A1 dated 30.12.2024 and 05.01.2025. In his confession on 30.12.2024, A1 clearly disclosed the entire facts and how he was involved in the drug cases. The petitioner, a relative of A1 actively participated in smuggling, transportation and dealing with the contraband and earned huge sums of money running to Crores, vital facts recorded in A1 diary which was produced on the subsequent statement on 05.01.2025. This Court granted bail to some of the accused, three of them for the reason no contraband seized from them and for three of them, their arrest on 30.12.2024 was doubtful. The petitioner and other accused are facing investigation for the offence under Sections Sections 8(c), 22(c), 25 and 29(1) of NDPS Act, including abetting and conspiracy. Each of the



accused abetted and conspired with each other in commission of the offence.

He would further submit that it was represented in bail application of Shahul Hameed in Crl.O.P.No.5293 of 2025 as though a representation dated 27.12.2024 was sent on 30.12.2024, which is the date of arrest of A5 and not prior to his arrest. The allegation in the representation is that on 27.12.2024, Shahul Hameed/A5 was taken in custody which is an unconfirmed statement. Neither Shahul Hameed/A5, Lawrence/A6, Jansi Marida/A10 nor the petitioner who were arrested on 30.12.2024 made any such complaint before the Remanding Magistrate that they were detained illegally from 27.12.2024. It is a design to create a defence. All the accused in a well orchestrated manner committed the act, all the accused actively participated in sourcing, packing, transporting, smuggling and pedalling the drugs, thereby affecting the society. Now appropriate steps are taken to secure other accused. Hence, opposed the bail.

6.Considering the submissions made and on perusal of the materials, it is seen that there are totally 15 accused, 12 of them secured and 3 accused absconding, of whom some granted bail for the reason no contraband seized from them and some granted bail as though they were kept in detention



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illegally for three days and arrest shown later, hence the arrest and recovery is doubtful. As regards this petitioner, apart from seizure of 65 grams of Methamphetamine, it is seen that the petitioner is a relative of A1 who in connivance with the other accused using the godown for storing the contraband and removing the same according to their convenience as per their requirement, making huge profits and purchased several properties running to Crores. A1 in this case is a notorious person who created his own web and all of them actively participated, the petitioner played an active role along with A1 and others. The contention of the petitioner that he is an Advocate, not owner of the godown and was kept in illegal custody for three days cannot be considered now. The act of the petitioner cannot be seen in isolation considering the huge seizure, enormity of the drugs, gravity of the offence. Hence, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the Criminal Original Petition stands dismissed.

19.06.2025

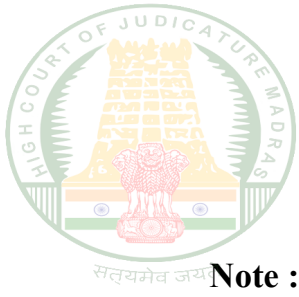
Speaking Order/Non Speaking Order

Index : Yes/No

Neutral Citation: Yes/No

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Note :

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M.NIRMAL KUMAR, J.

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To

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

Pre-delivery order made in

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19.06.2025