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Crl.O.P.No.14923 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2025

CORAM

THE HON'BLE MR.JUSTICE K.RAJASEKAR

Crl.O.P.No.14923 of 2025

Jana

... Petitioner

Vs.

The State rep by
The Inspector of Police,
Vellavedu Police Station,
Tiruvallur District.
(Crime No.95 of 2025)

... Respondent

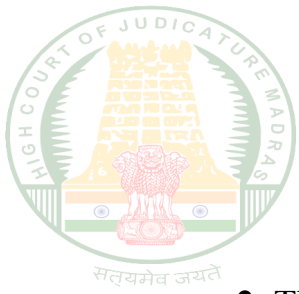
PRAYER : Criminal Original Petition filed under Section 483 of B.N.S.S, to enlarge the petitioner on bail pending investigation in connection with Crime No.95 of 2025 on the file of the Respondent Police.

For Petitioner : Mr.A.Tamilselvan

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

ORDER

The petitioner, who was arrested on 20.03.2025 by the respondent police in connection with Crime No.95 of 2025, for offences punishable under Sections 8(c) read with 22(c) and 25 of the NDPS Act, seeks bail.



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2. The allegation against the petitioner is that he was found in possession of 268 grams (400 tablets) of Hydrochloride and Acetaminophen Tablet. Hence, the present case.

3. The learned counsel appearing for the petitioner submitted that the petitioner, aged about 21 years, has been falsely implicated in this case. He further submitted that there are no independent witnesses to the occurrence and that only the police personnel have been shown as witnesses, which, according to him, amounts to a violation of mandatory provisions. Hence, he prayed for grant of bail.

4. The learned counsel for the petitioner further submitted, relying on the F.I.R., that the occurrence took place in a public place, but no independent witnesses were involved, strengthens his contention, that he is falsely implicated.

5. Per contra, the learned Government Advocate (Crl. Side) submitted that the petitioner was found in possession of 268 grams (400 tablets) of Hydrochloride and Acetaminophen, which falls under a commercial quantity. He further submitted that the petitioner has several previous cases, including NDPS cases, and therefore Section 37 of the NDPS Act applies to him. Hence, he opposed the grant of bail.



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

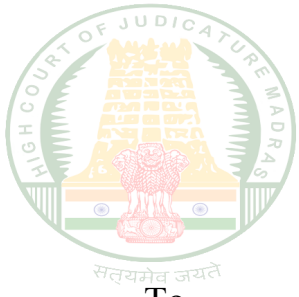
7. On perusal of the F.I.R., it is seen that the police had made an attempt to secure independent witnesses before effecting seizure. However, since the occurrence took place in a public place, no independent witnesses came forward, and therefore, only police officials stood as witnesses.

8. The evidentiary value of police officers being witnesses, and the non-involvement of independent witnesses, can only be tested during the course of trial. The same cannot, at this stage, be accepted as a ground to hold that there is violation of mandatory provisions. Further, it is also noted that the petitioner has several previous cases, including 11 cases cited by the prosecution in their counter, out of which 2 cases are under the NDPS Act. Hence, I am not inclined to grant bail to the petitioner.

9. Accordingly, this Criminal Original Petition is dismissed.

19.09.2025

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To
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- 1.The Judicial Magistrate No.II, Poonamallee.
2. The Inspector of Police,
Vellavedu Police Station,
Tiruvallur District.
3. The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J.

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