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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2025

CORAM :

THE HON'BLE MR. JUSTICE K. RAJASEKAR

CrI.O.P.No.17705 of 2025

Santosh Pattnaik

... Petitioner

-Vs-

State Rep by,
The Inspector of Police,
T-1 Tambaram Police Station,
Tambaram City, Tamil Nadu.
(Crime No.35 of 2025)

... Respondent

Prayer:- Criminal Original Petition filed under Section 483 of BNSS Act, 2023,
pleaded to enlarge the petitioner on bail in Crime No.35 of 2025 on the file of
the respondent police.

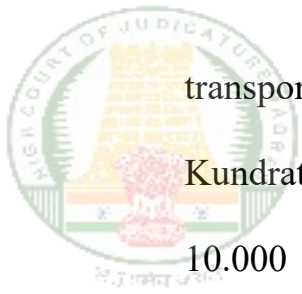
For Petitioner : Mr.Krishen

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on
18.03.2025, for the alleged offence punishable under Sections 8(c) r/w 20(b)(ii)
(C) and 29(1) of NDPS Act, in Crime No. 35 of 2025, registered on the file of
the respondent, seek bail.

2. The case of the prosecution is that on 17.03.2024 at about 14.00 hours,
the Sub-Inspector of Police received secret information regarding illegal



transportation of contraband and proceeded, along with police personnel

Kundrathur–Sriperumbudur Road near Keluththipettai Bus Stand. On search, 10.000 kg of ganja was seized from A1 and 20.500 kg each from A2 to A4, totalling 71.500 kg. A1 to A4 were arrested, and the contraband along with travel bags, a polythene bag, and mobile phones were seized under a mahazar in the presence of witnesses and taken to the respondent police station. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is ranked as A4, along with A3, was abducted from Rajarani Apartment near Haladiapadar, Golanthara District, Odisha, by two unknown persons. Pursuant thereto, a complaint was lodged on 17.03.2025 at about 9.30 a.m. before the jurisdictional police. He further submitted that thereafter A3 was forcibly brought to Tamil Nadu and a false case was foisted against him by showing his arrest and recovery of 20.500 kg of ganja. It was also contended that the family members of the accused were not properly informed about the arrest and other related particulars as mandated under law. On the above grounds, the learned counsel prayed for grant of bail to the petitioner.

4. (i) Learned Government Advocate (Crl. Side), appearing for the respondent, reiterated the prosecution case and submitted that there are totally four accused in this case and the petitioner herein is ranked as A4. He further submitted that the petitioner, along with two other accused, was intercepted by



the police on the basis of prior information. Upon interception, the contraband was recovered, and A1 had received portions of the contraband from each of the accused. The police party, by engaging a translator, complied with all the mandatory provisions, which were duly incorporated in the FIR. The arrest of the petitioner was also properly intimated to his family members.

(ii) He further submitted that the petitioner, along with the other accused persons, was arrested in Tamil Nadu while in possession of the contraband, and no illegality was committed by the police in the course of arrest or seizure. Subsequently, the family members of the accused lodged a complaint before the jurisdictional police, falsely alleging that the accused were taken away from the place of occurrence, pursuant to which a case was registered in Tamil Nadu. Similarly, a false complaint was also lodged in Orissa, alleging that the accused were abducted from Orissa on 16.03.2025 at about 3.00 p.m., and a complaint was lodged on 17.03.2025 at about 9.30 a.m.

(iii) He submitted that the family members were fully informed about the arrest of the accused, and despite such intimation, the said complaint was lodged only on the next day at 9.30 a.m. The mere lodging of such complaints cannot be sufficient to discard the entire prosecution case. The accused were arrested at Chennai on prior information and found in possession of contraband of huge quantity, namely commercial quantity, and all mandatory provisions under the NDPS Act were strictly complied with. He further



contended that no grounds have been raised by the petitioner to satisfy requirements under Section 37 of the NDPS Act. Hence, he strongly opposed to grant bail to the petitioner.

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5. (i) This Court has perused the entire records and the other connected materials. The copies of the FIR produced before this Court reveal that the wife of A3 came forward to lodge a complaint alleging abduction of her husband within the jurisdiction of Golanthara Police Station, Odisha. Though the FIR is stated to have been registered on 17.03.2025 at about 9.30 a.m., the same was forwarded to the learned Judicial Magistrate and received only on 19.03.2025, that is, after more than 24 hours from the arrest of the petitioner.

(ii) The learned Government Advocate (Crl. Side) contended that the said complaint is a false one and was registered only with the intention of avoiding the prosecution in the present case. In the absence of any substantial material to establish that the petitioner was in fact abducted from his native place in Odisha or that the FIR was not lodged with the sole purpose of thwarting the prosecution, this Court is not inclined to accept the case put forth by the petitioner.

(iii) Admittedly, all the mandatory provisions were complied with. The petitioner was arrested and secured at the place of occurrence as early as 17.03.2025 at about 14.00 hours, whereas the FIR registered at the native place of the petitioner was received by the concerned Judicial Magistrate only on



19.03.2025. Hence, this Court is of the view that no valid ground has been r

out by the petitioner. Further, the contraband seized in the present case is of commercial quantity, thereby attracting the rigour of Section 37 of the NDPS Act, and the petitioner has failed to satisfy the twin conditions imposed thereunder. If the petitioner is released on bail, there is every likelihood of his absconding and hampering the trial. Therefore, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

08.12.2025

drl

To

1. The Inspector of Police,
T-1 Tambaram Police Station,
Tambaram City, Tamil Nadu.

2. The Public Prosecutor,
High Court, Madras.



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K. RAJASEKAR, J.

drl

Crl.O.P.No.17705 of 2025

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