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CrI.O.P.Nos.19330 & 19370 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 07.07.2025
PRONOUNCED ON : 08.07.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.Nos.19330 & 19370 of 2025

CrI.O.P.No.19330 of 2025

Krishna @ Krishnakumar

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Central Crime Branch,
F3 Nungambakkam Police Station,
Chennai – 600 034.
(Crime No.371 of 2025)

... Respondent

PRAYER : Criminal Original Petition is filed under Section 483 of BNSS, to enlarge the petitioner on bail in connection with Crime No.371 of 2025 on the file of the respondent police with any stringent condition.

For Petitioner	:	Mr.L.Infant Dinesh
For Respondent	:	Mr.R.Vinothraja Government Advocate (CrI. Side)

CrI.O.P.No.19370 of 2025

Srikanth

... Petitioner



Crl.O.P.Nos.19330 & 19370 of 2025

Vs.

The State rep. by
The Inspector of Police,
F-3 Nungambakkam Police Station,
Chennai.

... Respondent

PRAYER : Criminal Original Petition is filed under Section 483 of BNSS, to enlarge the petitioner on bail in Crime No.371 of 2025 pending investigation on the file of the respondent police.

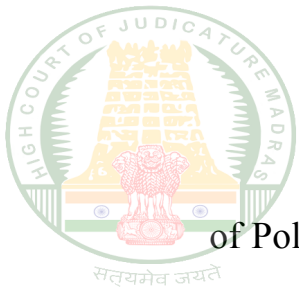
For Petitioner : Mr.R.John Sathyan
Senior Counsel for
Mr.K.Prem Anand

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl. Side)

COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 26.06.2025 and 23.06.2025 respectively, for the offence punishable under Sections 8(c), 22(b), 27 and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 [NDPS Act] in connection with Crime No.371 of 2025 on the file of the respondent, seek bail.

2.The gist of the case is that the defacto complainant, Sub-Inspector



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of Police, a member of AINU Special team was keeping a watch to curb the movement of Narcotic and Psychotropic Substances and to apprehend the offenders. On 17.06.2025, he received an information that near Meteorological Research Centre bus stop, Nungambakkam, one person was having cocaine with him. Based on the information, the defacto complainant along with his team went there and enquired a person, whose name was Pradeep Kumar and he confirmed that he was having cocaine with him. From the said Pradeep Kumar, 1 gram of cocaine, mobile phone and cash were seized. On enquiry, he informed that on the next day i.e. 18.06.2025 at about 8.00 a.m., his supplier one John, a Ghanaian National would come and deliver cocaine to him. On the basis of confession, a team went along with the said Pradeep Kumar and arrested John at Hosur bus stop and seized 10 packets of cocaine weighing 1 gram each. During investigation, it was found that A2 supplied cocaine to one Prakash. Further, it was found that the petitioners herein purchased cocaine for their personal consumption. Hence, they were called for enquiry, both the petitioners admitted the purchase of cocaine and they consumed the same. Prior to their arrest, both the petitioners produced for medical examination.



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As regards the petitioner in CrI.O.P.No.19330 of 2025, the medical test report turned negative and as regards the petitioner in CrI.O.P.No.19370 of 2025, the medical test report answered positive and the presence of cocaine is confirmed during Urine Drug Screening Test. Hence, both the petitioners arrested and the investigation is in progress.

3.The contention of the learned counsel for the petitioner in CrI.O.P.No.19330 of 2025 is that the petitioner is a Cine actor and he was arrested on the confession of the co-accused. The petitioner was served with a summon to appear before the respondent on 25.06.2025 at 10.30 a.m. On receipt of the summon, the petitioner appeared where he was detained for the whole day and he was grilled in the name of enquiry. He was subjected to medical test at about 3.00 p.m. on the next day i.e. 26.06.2025. The petitioner was detained in the Police Station from 25.06.2025 till he was shown arrest on 26.06.2025 at about 6.30 p.m., for more than 24 hours which is in violation of statutory provision under BNSS and Article 22 of the Constitution of India. In this case, the confession of the co-accused is inadmissible and there is no recovery from the petitioner. The medical test



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report confirms that there is no usage of drug by the petitioner. On the presumption, the respondent arrested the petitioner and if the presumption is taken to be true, then also it is only for consumption which is a bailable offence. The petitioner was denied any legal assistance and was not allowed to meet his family members or friends. The petitioner is suffering from gastrointestinal issues and having irregular palpitations. The petitioner during the appearance before the Magistrate on 26.06.2025 filed a memo stating that he appeared before the respondent on 25.06.2025 at about 10.30 a.m., taken in custody at about 12.30 p.m. and thereafter he was illegally detained. During his detention, signatures obtained in blank white papers between 10.30 a.m. and 11.30 a.m. on 25.06.2025. The Remanding Magistrate ignored and not considered the memo filed by the petitioner. He would submit that the petitioner's wife sent a representation to the National Human Rights Commission on the same day. The learned counsel produced a message sent by the respondent police informing the arrest of the petitioner through SMS which is bereft of any particulars and it cannot be considered as proper information and the grounds of arrest was not served to the petitioner.



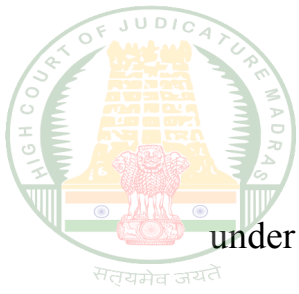
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3. In support of his contention, the learned counsel for the petitioner relied upon the decision in the case of ***Vihaan Kumar vs. State of Haryana and another*** reported in ***(2025) 5 SCC 799***, wherein the Apex Court held that information about the arrest is completely different from the grounds of arrest and the grounds of arrest are different from the arrest memo. In this case, neither the grounds of arrest nor arrest memo served to the petitioner or to his family members. The Apex Court further held that as per Section 47 of BNSS, the requirement for communicating the grounds of arrest is also required to be communicated to the friends, relatives or such other persons of the accused as may be disclosed or nominated by the arrested person. In this case, all the statutory conditions have been violated. The learned counsel further referring to the decision of the High Court of Bombay in the case of ***Aryan Shah Rukh Khan vs. Union of India and another*** reported in ***2021 SCC Online Bom 4127***, submitted that the confession statement can be considered by the Investigating Agency only for investigation purpose and cannot draw inference that the accused committed the offence under NDPS Act. Hence, prayed for bail.



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4.The contention of the learned senior counsel for the petitioner in CrI.O.P.No.19370 of 2025 is that the petitioner is a Cine actor, in the course of business he used to meet several person and have dinner, at that time, what is served and what he consumed, whether it is mixed or laced with cocaine is not known. The allegation that the petitioner had consumed cocaine, it is accidental and unintentional. The petitioner has got a family with children and parents who are Septuagenarian. The petitioner has not come under adverse notice of the Law Enforcement Agency in any manner. He would submit that when the petitioner was called, he voluntarily appeared before the respondent and disclosed the facts known to him. The petitioner vomited and fainted twice in the Police Station as well as during medical examination. The respondent police not given any notice under Section 35 of BNSS and there is no justifiable reason recorded to dispense with the procedure under BNSS. The petitioner arrested without following the statutory principles and procedure which an accused is entitled under the BNSS Act and Constitution of India. On taking the case of the prosecution as a whole, utmost it can be said that the petitioner committed an offence



under Section 27 of NDPS Act which is bailable one. There is no material that the petitioner abetted or conspired with the other accused in any manner. In such circumstances, arrest and remand is not required and the respondent for their own reasons, arrested the petitioner. Hence, prayed for bail.

5.The learned Government Advocate (CrI. Side) submitted that in this case, a Special team formed under the directions of the Deputy Commissioner of Police, Triplicane and the defacto complainant, a team member on receipt of the information went to the scene of occurrence near Meteorological Research Centre bus stop at Nungambakkam, arrested A1 and seized 1 gram of Cocaine from him. Thereafter, on his confession a Ghanaian National was arrested in Hosur bus stop and seized 10 packets of cocaine weighing 1 gram each which lead to the further arrest of the other accused and confession also lead to some recovery. He fairly submitted that no recovery made from both petitioners. The case against the petitioner would attract Section 27 of NDPS Act since Urine Drug Screening test turned positive as regards the petitioner in CrI.O.P.No.19370 of 2025 and as



regards the petitioner in Crl.O.P.No.19330 of 2025, it is negative. He would

submit that to curb drug menace, Special team formed and it has come to notice that higher echelon of the society using the drugs during party and gatherings, hence sustained investigation lead to the petitioners and they were arrested. He would further submit that the investigation is in progress and as regards the petitioner, there are no previous cases against them.

6.Considering the submissions made and on perusal of the materials, it is seen that in this case, the Special Team on receipt of the information visited the scene of occurrence wherein A1 was arrested and on his confession, A2 a Ghanaian National arrested. On the confession of other accused, the petitioners were arrested and remanded for the offence under Sections 8(c), r/w. 22(b), 27 and 29(1) of NDPS Act. It is seen that the petitioners purchased cocaine only for their personal consumption and hence, the case against the petitioners attracts Section 27 of NDPS Act. Hence, this Court is inclined to grant bail to the petitioners with certain conditions.



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[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 petitioners shall report before the respondent Police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required;

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

[d] the petitioners shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioners to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond



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the first fifteen days, they 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 petitioners 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 Kerala [(2005)13 SCC 283];

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

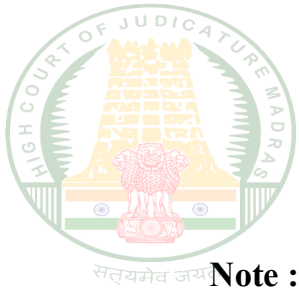
08.07.2025

Speaking Order/Non Speaking Order

Index : Yes/No

Neutral Citation: Yes/No

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Note :

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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 Principal Special Court for EC Act Cases,
Chennai.
- 2.The Central Prison,
Puzhal, Chennai.
- 3.The Inspector of Police,
Central Crime Branch,
F3 Nungambakkam Police Station,
Chennai – 600 034.
- 4.The Public Prosecutor,
Madras High Court.



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M.NIRMAL KUMAR, J.

cse

Pre-delivery order made in

CrI.O.P.Nos.19330 & 19370 of 2025

08.07.2025