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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-12-2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP NOs.19646,22650, 29936 & 23513 of 2025

A.Abdul Salim	Petitioner/A5 In Crl.OP.No.19646/2025
N.Anshad	Petitioner/A8 In Crl.OP.N.22650/2025
Asarudeen	Petitioner/A4 In Crl.OP.No.29936/2025
Riyas	Petitioner/A9 In Crl.OP.No.23513/2025

Vs

The State Represented by
The Inspector of Police,
C2 Race Course Police Station,
Coimbatore District.
Crime No.110 of 2025.

Respondent in all Crl.Ops.

COMMON PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitionerS on bail in Crime No.110 of 2025, on the file of the respondent police.

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For Petitioners:

Mr.R.Vivekananthan (in Crl.OP.No.19646/2025)
Mr.A.Arputharaj (in Crl.OP.No.22650/2025)
Mr.R.Subramanian (in Crl.OP.No.29936/2025)
Mr.R.Prabakar (in Crl.OP.No.23513/2025)

For Respondent:

Mr.A.Gopinath
Government Advocate (Crl.side)
(in all Crl.OPs.)

COMMON ORDER

In Crl.OP.No.19646 of 2025:

The petitioner, who was arrested and remanded to judicial custody on 03.03.2025 for the alleged offence punishable under Sections 8(c) r/w 22(b)(ii)(B), 29(1) of NDPS Act, in Crime No.110 of 2025 on the file of the respondent police, seeks bail.

In Crl.OP.No.22650 of 2025:

The petitioner, who was arrested and remanded to judicial custody on 03.03.2025 for the alleged offence punishable under Sections 8(c) r/w 22(c) & 29(1) of NDPS Act, 1985 in Crime No.110 of 2025 on the file of the respondent police, seeks bail.

In Crl.OP.No.22936 of 2025:

The petitioner, who was arrested and remanded to judicial custody on 03.03.2025 for the alleged offence punishable under



Sections 22(b), 29(1). 8(c) of Narcotic Drugs and Psychotropic Substances Act, 1985 altered as 8(c), 22(c), 25, 29(1) of NDPS Act, 1985 in Crime No.110 of 2025 on the file of the respondent police, seeks bail.

In CrI.OP.No.23513 of 2025:

The petitioner, who was arrested and remanded to judicial custody on 03.03.2025 for the alleged offence punishable under Sections 8(c) r/w 22(b), 29(1) of NDPS Act, 1985 @ 8(c) r/w 22(c), 25 and 29(1) of NDPS Act, in Crime No.110 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 27.02.2025, at about 08.00 hours, based on information, the respondent police, along with the team, proceeded to the scene of occurrence, where they allegedly found the petitioner along with two other accused in possession of 70 grams of Methamphetamine and 20 LSD stamps, which comes under commercial quantity. The respondent police seized the contraband, arrested the accused, and they are presently in judicial custody. Hence, the present case.



3. Learned counsel appearing for the petitioners submitted that, as far as these petitioners are concerned, no recovery was made from them. He submitted that the prosecution case is that, based on prior information, A1 was arrested and, from the statement recorded from him, it was revealed that A1 used to purchase Methamphetamine from A2 and A3. Pursuant to the said statement, A2 and A3 were arrested and their statements allegedly lead to the identification of A4 to A9.

3(i). It is further submitted that, on 03.03.2025 at about 05.00 hours, the police party proceeded to Lanka Corner, Coimbatore Railway Station, where they intercepted A4 to A6. From A4, 53 grams of Methamphetamine was recovered, and A5 and A6, who were accompanying him, were also arrested, and their cellphones were seized. Thereafter, the statement of A4 allegedly led to the location of A7 to A9 at Coimbatore Coddisa Road where the police intercepted them, and from A7, 20 LSD stamps, each 0.034 grams, which constitute commercial quantity, were recovered and all of them were arrested.

3(ii). Learned counsel for the petitioner further submitted that there is no material to show that these petitioners were aware of the



possession of the contraband by A4 or A7. He further submitted that, except for the confession statements recorded from A1, A2, and the petitioners herein, no other material has been produced to connect the petitioners with the contraband seized in this case. He submitted that even after completion of investigation, no material has been collected to show that the petitioners had actively participated in the transportation, possession, or sale of the contraband along with A4 or A7. The petitioners have been in judicial custody since 03.03.2025. Hence, he prayed for grant of bail.

4. Learned Government Advocate (Crl. Side) appearing for the respondent reiterated the prosecution case and submitted that though A4 was arrested, A5 and A6 were also apprehended along with him, and likewise A7 was arrested along with A8 and A9. Though no recovery was made from these petitioners. He submitted that the statements recorded from them categorically reveal that they were jointly involved in the sale of contraband and that, after procuring the contraband, sourced from Bangalore. He further submitted that the cellphone data and Instagram chats clearly indicate that they were in constant touch with each other and were aware of the possession of the contraband by A4 and A7. Hence, he



opposed the grant of bail to the petitioners.

5. Heard both sides and perused the materials available on record.

6. On perusal of the final report and other materials, it is seen that totally 13 witnesses have been cited in the list of witnesses LW.1 to LW.6 have been cited for proving the first occurrence, namely the arrest, recording of statements, search, and seizure relating to A1, A2, and A3. LW.7 to LW.10 have been cited to speak about the arrest, search, and seizure effected in respect of A4 to A9. LW.12 is the forensic expert, and LW.13 is the Investigating Officer who conducted the investigation after registration of the FIR and effecting the seizures.

7. Though it is stated that there are materials to connect the accused regarding the involvement of the petitioners in the procurement and transportation of the contraband, allegedly reflected through cellphone data and other connected materials, no such materials have been produced before this Court. None of the material witnesses or experts have given any opinion, nor has any expert been cited as witnesses to show that the petitioners herein were communicated with A4 and A7 or with other accused through Instagram or any other online application so as to establish their link with the contraband seized in this



case.

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7(i). Except for the mere presence of the petitioners along with the other accused in a public place, there is no material to connect them with the seized contraband. Mere presence, without any recovery or other incriminating material, cannot lead to the conclusion that they were in conscious possession of the contraband seized on the basis of personal search of A4, A7. It is well-settled law that when a group of persons is arrested in a public place, and recovery is made only from one individual, the others cannot be presumed to be in conscious possession unless substantive materials connect them with the contraband, is placed on record.

7(ii). It is also well settled that a confession recorded by the police cannot be relied upon. The Hon'ble Apex Court, in ***Tofan Singh v. State of Tamil Nadu***, has held that a statement recorded under Section 67 of the NDPS Act is not admissible in evidence, except to the limited extent that it leads to the discovery of a fact.

8. In view of the above discussion, this Court is of the considered view that there is no material to connect the petitioners with the alleged seizure effected from A4 and A7 and the petitioners herein satisfied the



twin conditions stated in Section 37 of NDPS Act. Therefore, this Court is inclined to grant bail to the petitioners, subject to certain conditions.

9. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** each with two sureties, for a like sum to the satisfaction of the *learned Special Court for Essential Commodities Act Cases, Coimbatore* and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall report before the Trail Court daily at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with the evidence or witness either during investigation or trial;



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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the 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)AIR SCW 5560];

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

08.12.2025

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Note:

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

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1. The Special Court for Essential
Commodities Act Cases, Coimbatore

2. The Inspector of Police,
C2 Race Course Police Station,
Coimbatore District.

3. The Superintendent,
Central Prison, Coimbatore.

4. The Public Prosecutor,
High Court, Madras.



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K.RAJASEKAR, J.,

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