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CRL OP No. 21097 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP No. 21097 of 2025

Nithyanandam

Petitioner

Vs

The State Rep by, The Inspector of
Police,
E-1, Mylapore Police Station
Chennai
Crime No. 196 of 2025.

Respondent

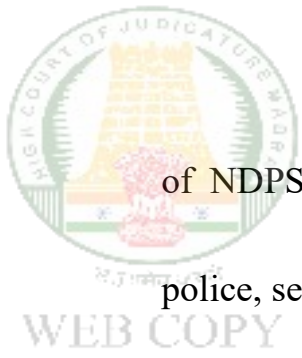
PRAYER Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail in Crime No. 196 of 2025 pending investigation on the file of the respondent police.

For Petitioner: Mr.Kumar Talreja

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.03.2025, for the offences punishable under Sections 8(c) r/w sec.20(b)(ii)(C)



of NDPS Act, in Crime No. 196 of 2025, registered on the file respondent police, seeks bail.

2.The allegation against the petitioner is that on 26.03.2025 at about 15.00 hours, the Sub Inspector of Police received an information that the petitioner was selling Ganja in a white nylon bag on luz church road in front of Nageswara Park, Mylapore. The Sub-Inspector of Police along with his team rushed to the scene of occurrence, the petitioner was intercepted and after investigation, the respondent police arrested him for having the possession of 21.700 kilo grams of Ganja. Hence the case.

3.The learned counsel appearing for the petitioner submitted that earlier the petitioner was arrested on 20.02.2025 in connection with another Crime No.115 of 2025 and released on bail in CrI.O.P.No.6666 of 2025, dated 18.03.2025. He further submits that while he was complying the condition on 26.03.2025 imposed by this Court and appeared before the respondent police at



about 10.30 am, the respondent police foisted the present case against the petitioner. He further submits that there are video clippings to show that the petitioner is available on the date of occurrence at the Police Station. He further submits that the seizure mahazar also containing that crime number which is also probablise the case of the petitioner that he has been falsely implicated. He further submits that the petitioner is ready to abide by any conditions that may be imposed by this Court and sought for bail to the petitioner.

4.Per contra, Mr.A.Gopinath, learned Government Advocate (Criminal Side) reported that it is true that the petitioner complying with the condition on 26.03.2025 and appeared before the respondent police at about 10.30 a.m. However, the petitioner was found in possession of 21.750 kilo grams of Ganja at about 11.00 am., and after completion of all formalities, the petitioner was arrested. He further submitted that the investigation is completed and final report has also been filed.



5. I have also gone through the materials available on record before this Court. It is stated that the false complaint has been registered against the petitioner and specific averment made in the petition explaining the way in which case is registered. The respondent denied the same by filing counter. Similarly, it is also stated that the seizure mahazer which was registered prior to registration of FIR also contained the crime number. The case of the prosecution is that the respondent police received information about the transportation of Ganja at 11.00 am and after receiving the information they went to place of occurrence. Admittedly in the “Information” recorded u/s.42 of NDPS Act, they had not recorded the crime number. Similarly it is not possible to record next crime number well in advance prior to register FIR at the Police Station. Since seizure mahazer, recorded away from Police Station. Further, it is also admitted that the petitioner was granted bail on condition that he shall appear before the respondent police everyday at 10.30am. In the FIR it revealed that the “Information” was received by the respondent police at 11.00 a.m., at the very same Police Station. As per the information, one person is about to transport the Ganja in the place of occurrence and accordingly, the information



was reduced in writing and the Police Party went there and the petitioner was arrested. It raises also serious doubts regarding the seizure mahazar it substantiates the contention of the petitioner that there is false of implication of the petitioner in false case. Though it is stated by the Public Prosecutor, that have to be raised before the Trial Court. I am of the view that since there is no proper explanation offered by the respondent police how they mentioned the crime number in the 'seizure mahazer', coupled with the fact that, the petitioner herein was present at the Police Station at 10.30 am., I am of the view that the petitioner has made out grounds under Section 37 of the NDPS Act, and accordingly, the petitioner is entitled to grant bail.

6. Considering the facts discussed above and that the petitioner has no previous case of similar in nature, I am inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand only)**



with **two sureties**, for a like sum to the satisfaction of the **learned Principal**

Special Court under EC and NDPS Act Cases, Chennai, and on further

conditions that:

[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 petitioner shall appear before the learned Principal Special Court under EC and NDPS Act Cases, Chennai, at 10.30 am until further orders.**

[c] 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 petitioner 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]**;

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



18-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes, Neutral Citation: Yes/No

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

1. The Principal Special Court under EC
and NDPS Act Cases, Chennai.

The State Rep by, The Inspector of
Police,
E-1, Mylapore Police Station
Chennai
Crime No. 196 of 2025.

3. The Superintendent, Central Prison,
Puzhal, Chennai.

4. The Public Prosecutor, High Court, Madras.



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K.RAJASEKAR J.
MSM

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