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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2025

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THE HONOURABLE MR.JUSTICE K.RAJASEKAR

Crl.O.P.Nos.21236, 21241, 21244, 21246 & 24920 of 2025

Mohamed Idhris

... Petitioner in Crl.O.P.No.21236 of 2025

Mahendran

... Petitioner in Crl.O.P.No.21241 of 2025

Pandi

... Petitioner in Crl.O.P.No.21244 of 2025

Palaneeswaran

... Petitioner in Crl.O.P.No.21246 of 2025

Mohammed Mubarak

... Petitioner in Crl.O.P.No.24920 of 2025

Vs.

State represented by its,
The Inspector of Police,
Narcotic Intelligence Bureau,
Crime Investigation Department,
Vyasarpadi,
Chennai District.
Crime No.21 of 2025

... Respondent in all Crl.O.Ps.



Common Prayer: Criminal Original Petitions filed under Section 483 of BNSS 2023, to enlarge the petitioner on bail in Crime No.21 of 2025, on the file of the respondent police.

For petitioners : Mr.A.V.Somasundaram,
Senior Advocate for
Mr.K.Shanker.
(In Crl.O.P.No.21236 of 2025)
Ms.T.Dharani.
(In Crl.O.P.Nos.21241, 21244
& 21246 of 2025)
Mr.S.Kartik
(In Crl.O.P.No.24920 of 2025)

For Respondent : Mr.A.Gopinath,
Government Advocate (Crl.Side)
(In all Crl.O.Ps.)

COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody for more than six months for the alleged offence under Sections 8(c) r/w 22(c), 25 and 29(1) of the Narcotic Drugs Psychotropic Substances Act, 1985 in Crime No.21 of 2025 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 13.04.2025, at about 11.40 a.m., based on a secret information, the respondent police intercepted a grey colour Honda BR-V Car bearing Registration No.TN 82 C 2772 near



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St. Thomas Mount Road Post Office in which the accused A1 to A5 were proceeding and seized 1 kg of Cocaine from them. Thereafter, based on their confession, the respondent police proceeded to the scene of the crime at Koyambedu wherein they seized 1 kg of Cocaine from the accused A6, A7 and A8 and also seized a White colour Hyundai Alcazar car bearing Registration No.TN 65 AQ 1222. Hence, the case.

3. The learned counsel for the petitioner in CrI.O.P.No.21236 of 2025/A5 would submit that the petitioner had been falsely implicated in this case and that no seizure was made from the petitioner; and that based on the confession of co-accused, this petitioner was added as an accused. He would further submit that the petitioner worked as a General Manager at Charminar Services LLC, a company registered in Dubai and continued in that position till 2018. After coming to India, he started a small business called 'Blue Sea Constructions' and took up small construction works. He would also submit that the samples were also not sent chemical analysis within a specific time under Rule 14 of the Narcotic Drugs and Psychotropic Substances (Seizure, Storage, Sampling and Disposal) Rules, 2022. He further submit that there is no proper intimation for the grounds of the arrest and thereby violations of



Articles 21 and 22(1) of the Constitution of India. He also submitted that the petitioner is under medical treatment for throat cancer. Hence, he prayed for grant of bail to the petitioner.

4. The learned counsel for the petitioner in CrI.O.P.No.24920 of 2025/A3 would submit that the petitioner is only a cab driver and he has been falsely implicated in the present case based on the confession of the co-accused and he is not a named accused in the FIR and that no recovery has been made from the petitioner. He would further submit that the petitioner is in judicial custody for more than 6 months. The investigation has already been completed and the final report has also been filed. Hence, he prayed for grant of bail to the petitioner.

5. The learned counsel for the petitioner in CrI.O.P.Nos.21246 of 2025/A8 would submit that there is no recovery from the petitioner and he has been falsely implicated in this case based on confession of the other accused and that the petitioner has been suffering incarceration for more than six months. Hence, he prayed for grant of bail to the petitioner.



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6. The learned counsel for the petitioners in Crl.O.P.Nos.21241/A1 & 21244 of 2025/A7 would submit that though it stated that there is a recovery of 1 kg of Cocaine from each person, there is a violation of provisions. The petitioners are not having any previous cases against them for similar nature of offence. He would further submit that Sections 105 and 108 of the Evidence Act have been violated on the ground that the search and seizure has not been video graphed. Thus, there is a prima facie case regarding availability of grounds for believing that the accused is not guilty as mandated under Section 37(1)(b)(ii) of the Act. Hence, the petitioners have satisfied the conditions under Section 37 of NDPS Act. Hence, the petitioners are entitled for bail.

7. The learned Government Advocate (Crl. Side) would submit that the seized contraband is of commercial quantity and that the accused persons in collusion transported the same with knowledge. Hence, he opposed for the grant of bail to the petitioners.

8. It is seen that after complying with the formalities, 1 kg of Cocaine was seized from the first accused and the cell phones of the other



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accused/A2 to A5 were also seized. It is further reveals that all the persons were having to common knowledge about the contraband transported in the car and they have also participated in transporting the contraband. Subsequently, based on their confession, the other accused/A6 to A8 were searched and from them, 1 kg of Cocaine has been seized.

9. I have also gone through the FIR registered by the police and also the statements recorded from the witnesses. Though it is contended that in this case the police have not recorded/video graphed the alleged search and seizure, this Court is of the view that huge quantity of Cocaine has been seized from the accused persons, and all the seizures have been reduced into writing and the statement of witnesses have been produced before the Court to substantiate the recovery. The non recording/video graphing of the search and seizure, has to be explained by the police only in trial and that cannot be considered as a ground for granting bail, at the stage of investigation. The further contention that there are no proper grounds for the arrest, has also not been substantiated before this Court. The arrest memo intimating the grounds to the relatives of the accused is produced before this Court. I perused the same and it has been properly intimated. Therefore, this Court is



not inclined to allow the bail petitions.

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10. Accordingly, these Criminal Original Petitions are dismissed.

08.10.2025

Index : Yes/No

Speaking Order/Non Speaking Order

kmm

To

1. The Inspector of Police,
Narcotic Intelligence Bureau,
Crime Investigation Department,
Vyasarpadi,
Chennai District.
2. The Public Prosecutor,
Madras High Court.



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K.RAJASEKAR, J.

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