



Crl.O.P.Nos.21755 of 2023, 752 and 1230 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.21755 of 2023, 752 and 1230 of 2024

Crl.O.P.No.21755 of 2023:-

1. Ragumathulla
2. Rilwan @ Rizwan

... Petitioners

Vs

The Union of India
its represented by
Intelligence Officer,
Narcotic Control Bureau,
Chennai Zonal Unit,
Chennai – 600 001.

... Respondent

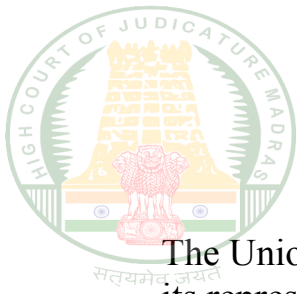
PRAYER: Criminal Original Petition is filed under 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to receive and accept the copy application and provide the petitioners with certified copy of Remand report dated 16.07.2023 in R.R.No.21/2023 of copy application dated 18.08.2023 on the file of the Principal Special Court for NDPS and EC act cases, Chennai.

Crl.O.P.No.752 of 2024:-

Askar

... Petitioner

Vs



Crl.O.P.Nos.21755 of 2023, 752 and 1230 of 2024

The Union of India
its represented by
Intelligence Officer,
Narcotic Control Bureau,
Chennai Zonal Unit,
Chennai – 600 001

... Respondent

PRAYER: Criminal Original Petition is filed under 528 of the Bharatiya
Nagarik Suraksha Sanhita, 2023, to set aside the impugned remand order dated
16.07.2023 passed in F.No.48/1/09/2023/NCB/MDS in R.R.No.21/2023 on the
files of the Judicial Magistrate I, Tambaram.

Crl.O.P.No.1230 of 2024:-

Rilwan @ Rizwan

... Petitioner

Vs

The Union of India
its represented by
Intelligence Officer,
Narcotic Control Bureau,
Chennai Zonal Unit,
Chennai – 600 001

... Respondent

PRAYER: Criminal Original Petition is filed under 528 of the Bharatiya
Nagarik Suraksha Sanhita, 2023, to set aside the impugned remand order dated
16.07.2023 passed in F.No.48/1/09/2023/NCB/MDS in R.R.No.21/2023 on the
files of the Judicial Magistrate I, Tambaram.

In all Crl.O.Ps

For Petitioners : Mr.I.Abdul Basith M.L

For Respondent : Mr.N.P.Kumar
Special Public Prosecutor (NCB)



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COMMON ORDER

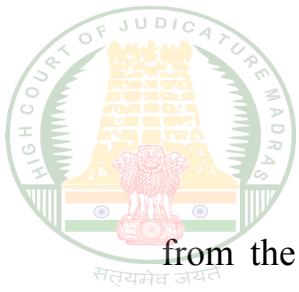
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Crl.O.P.No.21755 of 2023 has been filed to receive and accept the copy application and provide the petitioners with certified copy of Remand report dated 16.07.2023 in R.R.No.21/2023 of copy application dated 18.08.2023 on the files of the Principal Special Court for NDPS and EC act cases, Chennai.

2. Crl.O.P.Nos.752 and 1230 of 2024 have been filed to set aside the impugned remand report dated 16.07.2023 passed in F.No.48/1/09/2023/NCB/MDS in R.R.No.21/2023 on the file of the Judicial Magistrate I, Tambaram.

3. Heard the learned counsel on either side and perused the materials placed on record.

4. The petitioners are accused in R.R.No.21 of 2023 registered for the offences under Sections 8(c) read with 22(c), 23(c), 24, 28 and 29 of NDPS Act, on the file of the respondent. The case of the prosecution is that on 13/14.07.2023, on the basis of secret information, the respondents seized 1.900 kgs of white crystalline substance believed to be Amphetamine outside of Tambaram Bus stand, opposite to the Tambaram Railway Station, Chennai

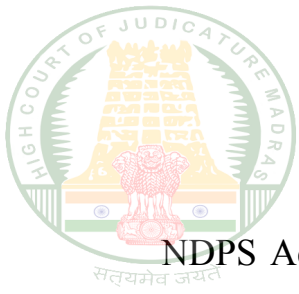


Crl.O.P.Nos.21755 of 2023, 752 and 1230 of 2024

from the petitioners and they were arrested on 15.07.2023 and remanded to judicial custody on 16.07.2023.

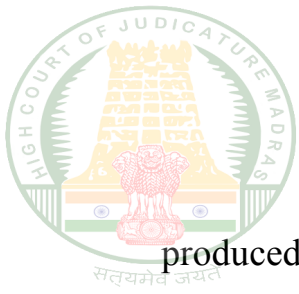
5. The learned counsel for the petitioners would submit that the petitioners were arrested by the respondent on 14.07.2023 and produced before the Judicial Magistrate, Tambaram, only on 16.07.2023 at about 09.50 pm beyond 24 hours after the date of arrest. After arrest, the petitioners were kept in dark and nothing was served to them. Therefore, the petitioners filed an application seeking certified copy of the remand order filed by the respondent. However, it was returned with a remark that as per the orders passed by this Court, the petitioners are not entitled for remand application or remand report.

6. A perusal of the counter filed by the respondent and on the submissions made by the learned Special Public Prosecutor (NCB) appearing for the respondent revealed that the respondent seized 1 kg of Methamphetamine from the conscious possession of the first petitioner in Crl.O.P.No.21755 of 2024, outside the Tambaram Bus stand, opposite to the Tambaram Railway Station, Chennai, on 13/14.07.2023. Thereafter, he was served with summons dated 14.07.2023 as contemplated under Section 67 of



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NDPS Act, to appear before the office of the respondent. During the enquiry, the first accused disclosed the whereabouts of two other persons viz., the second petitioner in Crl.O.P.No.21755 of 2023 and the petitioner in Crl.O.P.No.752 of 2024 who were also involved in the instant case. Therefore, on 14.07.2023, they were also issued with summons to appear before the Intelligence Officer for enquiry. The second petitioner in Crl.O.P.No.21755 of 2023 made his statement about the involvement of other persons. Accordingly, a house search was conducted on 15.07.2023 and found 900 grams of Methamphetamine and seized the same vide Mahazer dated 15.07.2023. The petitioners in all the petitions, one Sadhik Ali and one G.Gani had appeared on 14.07.2023 and 15.07.2023 for enquiry and voluntarily made statements on 15.07.2023 under Section 67 of the NDPS Act. During the enquiry, they had admitted their guilt in procuring, sale, purchase, possession and attempt to transport the seized contraband and entered into conspiracy for illicit trafficking of 1.900 kgs of Methamphetamine. Based on the seizure mahazer, confession statement and material object seized from the accused, the respondent registered a case in R.R.No.21 of 2023 for the offences punishable under Sections 8(c) read with 22(c), 23(c), 24, 28 and 29 of NDPS Act. Thereafter, they were arrested on 15.07.2023 at about 10 pm to 11 pm respectively and



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produced before the Judicial Magistrate Court, Tambaram, Chennai, on 16.07.2023. Thereafter, their remand was accepted and they were sent to judicial custody. Further, the accused persons are entitled to have certified copy of the arrest memo, the judicial order of remand passed by the Court and nothing more.

7. In order to protect the documents connected during the investigation even before the commencement of an enquiry in a case instituted in a private complaint, it was concluded that the accused persons are not entitled for the documents, except for the arrest memo and the judicial remand order. Therefore, the petitioners are not entitled to the remand report dated 16.07.2023.

8. In view of the above, this Court finds no infirmity or illegality in the impugned order dated 16.07.2023. Accordingly, these Criminal Original Petitions are dismissed.

05.03.2025

Internet:Yes
Index:Yes/No
Speaking/Non speaking order
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To

1. The Principal Special Court for NDPS and EC act cases,
Chennai.
2. The Judicial Magistrate I, Tambaram.
3. The Intelligence Officer,
Narcotic Control Bureau,
Chennai Zonal Unit,
Chennai – 600 001.
4. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN. J.

mn

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