



Crl.O.P.Nos.25241, 26177, 27509 & 27642 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2025

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.Nos.25241, 26177, 27509 & 27642 of 2025

Abbas Ali	... Petitioners in Crl.O.P.No.25241 of 2025
Meena @ Ameena	... Petitioners in Crl.O.P.No.26177 of 2025
Mohammed Ali	... Petitioners in Crl.O.P.No.27509 of 2025
Riyaskhan	... Petitioners in Crl.O.P.No.27642 of 2025

Vs.

The State represented by
The Inspector of Police,
H6, RK Nagar Police Station,
Chennai.
(Crime No.387 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioners/Accused on bail in
Crime No.387 of 2025 pending on the file of the respondent Police.

For Petitioners in

Crl.O.P.No.25241 of 2025 : Mr.D.Manojkumar

For Petitioners in

Crl.O.P.No.26177 of 2025 : Mr.S.Senthilvel

For Petitioners in

Crl.O.P.No.27509 of 2025 : No appearance

For Petitioners in



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Crl.O.P.No.27642 of 2025 : Mr.B.Raja

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

ORDER

The petitioner in Crl.O..No.25241 of 2025, who was arrested and remanded to judicial custody on 04.06.2025, for the offence punishable under Sections 8(c), 22(c) and 29(1) of the Narcotic Drugs Psychotropic Substances Act, 1985 and under Section 25(1B)(a) of Arms Act, 1959 in Crime No.387 of 2025, registered on the file of the respondent, seeks bail.

The petitioner in Crl.O..No.27509 of 2025, who was arrested and remanded to judicial custody on 04.06.2025, for the offence punishable under Sections 8(c) read with Section 22(C) and 29(1) of NDPS Act @ 8(c) read with Section 22(C) and 29(1) of NDPS Act, 1985 and under Section 25(1B)(a) of ARMS Act, 1959 in Crime No.387 of 2025, registered on the file of the respondent, seeks bail.

The petitioner in Crl.O..No.26177 of 2025, who was arrested and remanded to judicial custody on 29.05.2025, for the offence punishable under Sections 8(c) read with Section 22(c), 29(1) of NDPS Act and under Section 25(1B)(a) of Arms Act in Crime No.387 of 2025, registered on the file of the



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respondent, seeks bail.

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The petitioner in Crl.O..No.27642 of 2025, who was arrested and remanded to judicial custody on 05.06.2025, for the offence punishable under Sections 8(c) read with Section 22(c), 29(1) of NDPS Act in Crime No.387 of 2025, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that on 04.06.2025, at about 9.45 hrs, the respondent police was on patrol duty, received an information about the possession and transport of Methamphetamine by 5 persons, near I.O.C. yard, and same was reduced into writing and police party went to place of occurrence, intercepted A1 to A5. After complying other mandatory provisions, search was conducted and they are in possession of 700 grams of Methamphetamine and A1 to A5 were arrested. Based on their statement, A6 & A7 were arrested and A8 is absconding and the case was investigated and final report filed. Now in the final report it is stated that, A8 is the person who supplied the contraband after collecting a sum of Rs.2.8 lakhs from A2, A3, A5 and with the help of A6, transported 700g of Methamphetamine from Manipur.



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3. The learned counsel for the respective petitioners' submitted that, though in the seizure mahazar it was recorded 700g of Methamphetamine was recovered from A1 to A5, it was not specific to State from whom the whole contraband has been seized. In the seizure mahazar, it is stated that, from A1 to A5, cellphones were recovered and there is no clarity with regard to the seizure of 700 g of Methamphetamine and from whom it was recovered. In the final report, it was stated that the recovery was effected A2/Abbas Ali and further submitted that, apart from the seizure mahazar, there is no other material to connect the accused with the alleged seizure of contraband. Since there is no material to connect the petitioners/accused with the seizure and they have no previous cases against them, these have satisfied the twin conditions contemplated under Section 37 of NDPS Act.

4. The learned Government Advocate (Crl. Side) submitted that, there are money transactions taken place between A2 to A5 and that they have made payment of Rs.2.8 lakhs to A8 for the purpose of procuring the contraband and also to supply the same. He further submitted that the petitioners are close relatives and they are known to each other and they are in same place at the time of seizure, hence they cannot plead that they were



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not aware of the contraband recovered in this case. He further submitted that, cellphones were also recovered and these materials are sufficient to link these petitioners with the alleged contraband.

5. Admittedly, investigation in this case has been completed and final report also filed. The seizure mahazar reveals that at the time of seizure, it has been recorded that, recovery effected are of 700g of Methamphetamine and 5 cellphones from A1 & A5. It is not specifically stated that from whom the seizure was recovered. The Methamphetamine seized produced before the concerned Magistrate under Form 91 and also the subsequent inventory reveals that the prosecution recovered 700 g of Methamphetamine. It is also specifically stated in the list of witnesses that there are witnesses to speak about the recovery. It is also alleged in the final report that the recovery was effected from A2 and though the confession recorded from A1 to A5 is not admissible in evidence, there are witnesses to speak about the recovery from A2. Their evidence is sufficient to establish his involvement in this case if the same is accepted during trial. Since, the recovery is made from Abbas Ali, who is the petitioner in Crl.O.P.No.25241 of 2025, **I am not inclined to grant bail him and accordingly, Crl.O.P.No.25241 of 2025 is**



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dismissed.

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With regard to other petitioners, the prosecution relied on recovery of cellphones and transfer of money and their presence in the scene of occurrence along with other accused. It is admitted fact that, there is no evidence or witness cited for examination to prove the alleged cash transaction or other bank transaction, further there is no other evidence except the confession recorded from the arrested accused to show they knew about the possession of contraband by Accused No.2. Though cellphones were seized, admittedly same were not subjected to investigation as no CDR details were obtained and no materials have been produced. It is also admitted by the petitioners that they will not indulge in similar offences and ready to abide by any conditions. So far, no previous cases reported against them. I am of the view that the petitioners have satisfied the conditions contemplated under Section 37 of NDPS Act and hence, **I am inclined to grant bail to the petitioners in Crl.O.P.Nos.27509, 26177, 27642 of 2025 with the following conditions:**

6. Accordingly, the **petitioners in Crl.O.P.Nos.27509, 26177, 27642 of 2025** are ordered to be released on bail on their executing a bond



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for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **XV Metropolitan Magistrate, George Town and Principal Special Court for NDPS Act, Chennai respectively** 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 petitioners in Crl.O.P.Nos.27509, 26177, 27642 of 2025 shall report before the respondent police daily at 10.30.a.m., for a period of three weeks and thereafter as and when required for interrogation;

[c] the petitioners in Crl.O.P.Nos.27509, 26177, 27642 of 2025 shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioners in Crl.O.P.Nos.27509, 26177, 27642 of 2025 shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioners in Crl.O.P.Nos.27509, 26177, 27642 of 2025 to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall



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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 petitioners in CrI.O.P.Nos.27509, 26177, 27642 of 2025 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.

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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.



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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.XV Metropolitan Magistrate, George Town, Chennai.
2. Principal Special Court for NDPS Act, Chennai.
3. Central Special Prison for Women,
Puzhal, Chennai.
4. Central Prison -II, Puzhal.
- 5.The Public Prosecutor,
High Court of Madras.

K.RAJASEKAR, J.

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