



*Crl.O.P.Nos.31758 of 2024 & 238, 468, 1734,
1975 & 2243 of 2025*

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2025

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.Nos.31758 of 2024 & 238, 468, 1734, 1975 & 2243 of 2025

CRL OP NO. 31758 of 2024

Vatsal @ Vitsal

Petitioner

CRL OP NO. 238 of 2025

Hari Shankar

Petitioner

CRL OP NO. 468 of 2025

Karthikeyan

Petitioner

CRL OP NO. 1734 of 2025

Fazil Ahamed

Petitioner

CRL OP NO. 1975 of 2025

Tharunsha

Petitioner

CRL OP NO. 2243 of 2025

Santhosh Kumar

Petitioner

Vs

The State Rep by,
The Inspector of Police
V-3, J.J.Nagar Police Station, Chennai

Respondent



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COMMON PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in Crime No.728 of 2024 on the file of the respondent Police.

For Petitioners

CRL OP NO. 31758 of 2024

Mr.B.Mohan

CRL OP NO. 238 of 2025

Mr.R.C.Paul Kanagaraj

CRL OP NO. 468 of 2025

Mr.A.G.Vedavikas

CRL OP NO. 1734 of 2025

Mr.S.Thirukkumaran

CRL OP NO. 1975 of 2025

Ms.S.Nadhiya

CRL OP NO. 2243 of 2025

Mr.R.C.Paul Kanagaraj

For Respondent in all the Crl. OPs.

Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)



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COMMON ORDER

Petitions seeking bail in respect of Crime No.728 of 2024 registered for the offences punishable under Sections 8(c), 22(c), 29(1) of Narcotic Drugs and Psychotropic Substance Act, is on board for consideration.

2.The petitioners were arrested on the following dates:

<i>S.No.</i>	<i>Crl.OP.No.</i>	<i>Petitioner's rank</i>	<i>Date of arrest</i>
1	31758 of 2024	A3	04.11.2024
2	238 of 2025	A6	09.11.2024
3	468 of 2025	A1	04.11.2024
4	1734 of 2025	A15	03.12.2024
5	1975 of 2025	A8	11.11.2024
6	2243 of 2025	A16	30.11.2024

Pleading innocence and claiming false implication, the learned counsels for the petitioners seek the indulgence of this Court. They also submit that the petitioners



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are in no way connected with the offences as alleged by the prosecution and they are ready to abide by any stringent condition that may be imposed by this court.

3.Mr.A.G.Vedavikas, learned counsel for the petitioner (A1) in Crl.OP.No.468 of 2025, submits that the petitioner is currently studying final year law course at VIT University. On 03.11.2024, while he was preparing for his final year examinations at his residence in Mogappair East, policemen dressed in civilian clothes, entered the gated community and the petitioner was called under the guise of an enquiry and was taken at 11:15 hours. He was allowed to return home at 11:50 hours, only to be called again at 12:44 hours to take his motorcycle, after which he was taken from his residence. This sequence of events, including the petitioner being taken at 11:15 hours and sent back at 11:50 hours, is clearly recorded in CCTV footage. Subsequently, the petitioner was taken to the police station, where he sent a WhatsApp message to his mother at 13:15 hours, notifying her of his situation. He then sent another message at 15:15 hours, confirming that he was still at the police station. The police had later registered a case that day, at 19:00 hours, as if it was based on a call from an unknown caller reporting that individuals were dealing in narcotics drugs at E.B. Park, Mogappair. The petitioner was later shown to have been arrested at 19:40 hours



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near E.B. Park, with 17 LSD stamps (0.41 grams), which is considered a commercial quantity.

4.The learned counsel further submits that the petitioner is a bright student who has consistently performed well, achieving 80% marks throughout his four years of academic career, and maintaining 79% attendance. Despite this, the petitioner has now been arrested and is currently in custody. The counsel further submits that there are reasonable grounds to believe that the petitioner has not committed any offense, and as such, the provisions of Section 37 of the NDPS Act may not be applicable in his case. Additionally, the learned counsel submits that photographic evidence and footage showing that two police officers, dressed in civilian clothes, arrived at the petitioner's residence at around 11:15 hours and taking him away are available to show that the so called registration of the case, arrest of the accused and recovery are farce and thereby, seeks for bail.

5.Mr.B.Mohan, the learned counsel for the petitioner (A3) submits that the petitioner is a native of Uttar Pradesh and is currently pursuing a B.Tech in Computer Science at SRM University, Kattankolathur. He further submits that the petitioner resides with his college mates in an apartment viz., Estancia, located



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near the college. There are materials to show that the petitioner is one of the tenants of the apartment, and the other students, including the petitioner have entered into an agreement with the owner of the property. The learned counsel further submits that as per the claim of the respondent, based on specific information, a search was conducted at the petitioner's apartment, during which 80 LSD stamps (a commercial quantity) are said to have been recovered from a suitcase belonging to the petitioner. However, the learned counsel points out that the apartment is not under the exclusive occupation of the petitioner, as it is shared with other students. Furthermore, the learned counsel contends that while the respondent claims to have recovered the contraband from the suitcase, the suitcase itself has not been recovered and produced by the respondent police to substantiate that the recovery was made from the petitioner's suitcase.

6.The learned counsel further submits that, according to the prosecution, a search was said to be conducted at A2's house on 05.11.2024 between 8:00 hours and 8:30 hours and based on A2's confession, the contraband was allegedly seized at 8:45 hours, and A2 was arrested at 9:15 hours. Subsequently, at 10:45 hours, his laptop and cell phone were seized. Only after these events the respondent is said to have proceeded to the house of the



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petitioner (A3), arriving there at 12:10 hours and the search is said to have taken place between 12:10 hours and 12:40 hours , during which time the contraband was allegedly recovered from a suitcase in a bedroom. However, it is the specific case of the petitioner that he was taken into custody by the respondent police on 04.11.2024 at 6:00 am and CCTV footage from the apartment complex are available to show that the petitioner was indeed taken into custody on 04.11.2024 at 6:00 hours. Upon learning of this, the petitioner's father immediately sent representations to the Commissioner, Deputy Commissioner, and the respondent police on 21.11.2024, asserting that the petitioner was taken into custody on 04.11.2024 and was kept in illegal detention before being produced before the court on 06.11.2024 and in order to facilitate an effective investigation, the petitioner's father had sent a representation dated 23.11.2024 requesting the respondent police to seize and preserve the CCTV footage for trial purposes. However, despite receiving these representations on 23.11.2024, the respondent police has not taken any action in this regard.

7.The learned counsel further submits that, following the registration of the case and the subsequent events, the respondent issued a press release, which led to the publication of a news item in the online edition of *The Hindu* on



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04.11.2024 at 22:30 hours, stating that the petitioner had been arrested by the respondent. This same news appeared in the print edition of *The Hindu* on 05.11.2024, confirming that the petitioner was taken into custody on 04.11.2024. However, the prosecution case had proceeded as if the petitioner was implicated based on a confession allegedly recorded from A2 on 05.11.2024 at 8:30 hours. This inconsistency raises serious doubts about the credibility of the prosecution's case. The learned counsel submits that given these contradictions, there are reasonable grounds to believe that the petitioner has not committed the alleged offense. Therefore, the learned counsel seeks bail for the petitioner. Additionally, the learned counsel has also filed a copy of the petitioner's ID card, the online published news article from *The Hindu*, the print version of the said news, and copies of the representations sent to the respondent, along with the acknowledgement.

8.Mr.R.C.Paul Kanagaraj, the learned counsel for the petitioner (A6) in Crl.OP.No.238 of 2025 submits that while the respondent claims that the petitioner was arrested along with A7 on 09.11.2024, it is important to note that A7, Aruni Raj, was actually taken into custody by the respondent police on 04.11.2024 and A7's name appears in the press release issued by the respondent



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on 04.11.2024, which was published in the online editions of *The Hindu* and *Times of India* on the same day, and in the print editions of these newspapers on 05.11.2024 and these facts raise serious doubts about the prosecution's narrative of the arrest, recovery, and confession of the accused. Given these discrepancies, the learned counsel submits that there are reasonable grounds to believe that the petitioner is not involved in the alleged offense. The learned counsel further points out that the petitioner is a student with no bad antecedents and, therefore, seeks bail on these grounds.

9.Ms.S.Nadhiya, The learned counsel for the petitioner (A8) submits that the petitioner's arrest is solely based on the alleged confession of A7, who purportedly stated that he used to purchase ganja from one Narender through the present petitioner. Apart from this confession, there is no other material evidence against the petitioner. Furthermore, the learned counsel points out that, according to the prosecution, the alleged contraband recovered from the petitioner amounts to 300 grams of ganja, and the petitioner has no prior criminal record.

10.Mr.S.Thirukkumaran, the learned counsel for the petitioner (A15) in Crl.OP.No.1734 of 2025 submits that the petitioner was named as A15 based on



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the confession statement of A16/Santhosh, who allegedly confessed to have purchased ganja from the petitioner and his friend/A14. The learned counsel further submits that aside from the confession statement, there has been no recovery of contraband from the petitioner. Additionally, the petitioner has no prior criminal record, and as such, the rigors of Section 37 of the NDPS Act may not be applicable to the petitioner.

11.Mr.R.C.Paul Kanagaraj, the learned counsel also representing the petitioner (A16) in Crl.OP.No.2243 of 2025 submits that although the alleged contraband recovered is classified as a commercial quantity, the petitioner was implicated solely based on the confession statements of other accused and there has been no recovery of contraband from the petitioner and similarly placed individuals have already been granted bail by this Court in Crl.OP.Nos.71, 89, 111, and 154 of 2025 on 07.01.2025. Therefore, the learned counsel seeks bail for the petitioners

12.The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that on 03.11.2024, at about 10.00 hours, the Sub-Inspector of Police,



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who was in station duty, received a secret information about the illegal transportation of narcotic substances and on receipt of the said information, he along with his police team visited the scene of occurrence i.e., near E.B. Park, Mogappair, where, A1/Karthikeyan (Petitioner in Crl.O.P.No.468 of 2025) was found to be in a suspicious circumstances. On seeing the Police, A1 attempted to escape from the spot and the respondent caught hold of him and conducted search, during which, they recovered 17 LSD Stamps, 48 MDMA tablets and a Samsung 23 Ultra Mobile Phone from his possession. Thereafter, the respondent Police have arrested A1, recorded his confession statement and based on which, registered a case in Crime No.728 of 2024 under Sections 8(C) r/w 22(c), 29(1) of Narcotic Drugs and Psychotropic Substance Act @ under Sections 8(c) r/w 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substance Act.

13. During the course of investigation, it came to light that A1 used to purchase the contraband from the other states and sell the same in Tamil Nadu, particularly to college students. The confession statement of A1 further reveals that he had purchased the contraband from A2 by using Reddit App and consumed the same and also selling the contraband to his friends and known persons with the help of A2 for their personal gain. Based on the confession of



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A1, A2/Aravind Balaji was arrested on 05.11.2024 and from him, 48 MDMA tablets, a Samsung 23 Ultra phone were recovered. Based on the confession of A2, A3/Vatsal (Petitioner in Crl.O.P.No.31758 of 2024) was arrested and from his possession, 80 LSD stamps and a mobile phone were recovered. Later, A1 to A3 were produced before the Judicial Magistrate Court, Ambattur and remanded to judicial custody.

14. Based on the confession statement recorded from A-1 to A-3, the respondent have arrested A4/Mohammed Ghouse, and A5/Jainnullapudhin on 06.11.2024 and from their confession, 1.100 kilograms of Ganja and 8 grams of OG Ganja were seized. Later, 09.11.2024, A6/Hari Shankar (petitioner in Crl.O.P.No.238 of 2025) and A7/Aruni Raj, were arrested by the respondent and from A6, I phone 11 Pro, I Pad Laptop, 50 LSD Stamps and from A7, I phone 14 Pro, 50 LSD Stamps were recovered. Further, during the course of investigation, A8 to A19 were arrested and from them, in-between quantity contraband was recovered.

15. The Specific recovery of contraband from the accused is as follows:-



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13. It is submitted that during the course of investigation, I have produced the seized contraband and materials before the Special Court for EC/NDPS Act, Chennai and taken on file vide A.No.1319/2024 & B.No.839/2024.

14. It is submitted that the specific overact of the accused is as follows:-

S. No	Name of the accused	Contraband seized (Or) Other Property	Commercial/ Non Commercial	NDPS Schedule No.	Chemical Report
1.	A-1 / Karthikeyan	LSD Stamp-17,			Yet to obtained
2	A-2/ Aravind Balaji	MDMA Tablet - 48,			Yet to obtained
3	A-3/ Vatsal	LSD Stamp - 80,	----	----	Yet to obtained
4	A-4/ Mohammed Gouse	seized 1.100 Kg Ganja, OG	----	---	Yet to obtained
5	A-5/ Jainnullapudh in	Ganja- 8 gram.	----	---	Yet to obtained
6	A-6/ Hari Shankar	LSD Stamp-50	----	---	Yet to obtained
7	A-7/ Aruni Raj	LSD Stamp-50	----	---	Yet to obtained
8	A-8/ Dharun sha	300 gram Ganja	----	---	Yet to obtained
9	A-9/ Zidan Mohammed Zabin	Ganja Oil - 10 mini bottle	----	---	Yet to obtained
10	A-10/ Hasif. K.R.	Ganja-400 gram, Ganja Oil- 1 mini Bottle	----	---	Yet to obtained



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		Methamphetamine ine -0.5 Grams			
11	A-11/Atikhan Thuklak	No recovery	----	---	----
12	A-12/ Mohammed Riyaz Ali,	No recovery	----	---	----
13	A-13/ Yugesh,	CG Ganja - 4 gram	----	---	Yet to obtained
14	A-14/ Syed Zaki	No recovery	----	---	----
15	A-15/ Fazil Ahamed,	No recovery	----	---	----
16	A-16/ Santhosh Kumar,	No recovery	----	---	----
17	A-17/ Kumaran,	No recovery	----	---	----
18	A-18/ Navas Mohammed	CG Ganja- 60 gram Indian Currency Rs. 28,000/- Foreign Currency Rs. 5 Note-1 Rs. 20 Note- 5 Rs.50 Note-2 Rs.100 Note- 12 Rs.1000 Note-1	---	----	----
19	A-19/ Asaruddin	1. CG Ganja -350 gram 2. Digital Weighing Machine-1 3. Packing cover - 100 pieces 4. Cash	----	---	Yet to obtained

காவல் ஆய்வாளர்
சி. ஜெ. ஜெ. ராஜ் காவல் நிலையம்



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		counting Machine-1 5. Brown Colour Tanishq box containing white Gold Diamond necklace with earring 17.32 grams 6. Maroon Colour Tanishq soft box containing diamond pendant with gold chain 5.14 grams. 7. Brown Colour Tanishq box containing gold and diamond necklace with earring 26.32 grams. 8. Gold Colour tanishq box containing gold chain with diamond pendant along with bill 31.52 grams 9. Red Colour Kalyan box containing			



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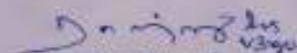
11

	gold Jimik with ruby 10.15 grams 10. Blue Clour SWA box containing gold bracelet with diamond and green stone 5.56 grams. 11. Blue Colour SWA oval box containing gold 2 bracelet, 2 ring 5 pendant 30.51 grams 12. Orange colour Hermes box containing imitation/Ar tificial bracelet.			
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15. It is submitted that now the case is under
investigation to do the following aspects:-

(i) To examine Some More Witness

(ii) To sent the sample of seized contraband to
the Forensic Science Laboratory for Chemical Analysis
and obtained the report.


கனகம் சிவசுப்பிரமணியம்
விடுதலைப் புலிகள்
16/22

16.The learned Government Advocate (Criminal Side) further submits
that, even if it is assumed, for the sake of argument, that there was a violation by



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the police in not producing the accused within 24 hours of their arrest, the accused can only seek relief while still in custody and once the accused have been produced before the Magistrate and remanded to custody, they cannot seek liberty on the grounds of non-compliance with Article 22(2) or Section 167 of the Cr.P.C. by the police. He further submits that the quantity of contraband recovered from A1, A3, A6 and A7 are commercial quantity and thereby, rehearse of Section 37 of NDPS Act will operate against them. He further clarifies that with regard to the press release, the respondent Police have not issued any such press release regarding the arrest of the accused

17.By way of reply, Mr.B.Mohan, the learned counsel for the petitioner submits that this is not a case where the petitioners are challenging their illegal custody, but they are questioning the validity of the registration of the case and the subsequent events. The learned counsel further submits that as mentioned by the learned counsel for A1, A1 was taken into custody on 03.11.2024 from his residence and later shown to be arrested near a park with the contraband. Similarly, the petitioner/A3 was also alleged to have been taken into custody based on a confession statement recorded from A2, who was said to have been arrested on 05.11.2024, whereas, the materials and documents suggests that all of



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them were actually taken into custody on 04.11.2024. The learned counsel further submits that both A1 and A3 are college students with no prior criminal records and he would reiterate that when there are serious doubts relating to the prosecution case, there is every reason to believe that the accused are not guilty of the offences.

18. Having heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record including the counter affidavits filed by the respondent, this Court does not want to delve deeply into the matter, as the investigation is still pending. However, taking into consideration the discrepancies in the investigation as pointed out by the learned counsel for the petitioners based on the documents furnished along with the bail petition, this Court is of the opinion that the petitioners have satisfied the conditions required under Section 37 of the NDPS Act for the granting of bail and thereby, this Court is inclined to grant bail to the petitioners with certain conditions and accordingly, the petitioners are ordered to be released on bail on their executing a separate bond each for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, (Out of the two sureties, one must be either the mother or father of the



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petitioners, except in the case of the petitioner in Crl.OP.No.1975 of 2025. For the petitioner in Crl.OP.No.1975 of 2025, one surety must be a blood relative) each for a like sum to the satisfaction as follows:

<i>S.No.</i>	<i>Crl.OP.No.</i>	<i>Petitioner's rank</i>	<i>Bail to the satisfaction of</i>
1	31758 of 2024	A3	Principal Special Court under EC & NDPS Act, Chennai
2	238 of 2025	A6	Learned Judicial Magistrate, Ambattur
3	468 of 2025	A1	Principal Special Court under EC & NDPS Act, Chennai
4	1734 of 2025	A15	Learned Judicial Magistrate, Ambattur
5	1975 of 2025	A8	Principal Special Court under EC & NDPS Act, Chennai
6	2243 of 2025	A16	Principal Special Court under EC & NDPS Act, Chennai

[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 respondent Police, everyday at 06.30 p.m., until further orders;



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

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

[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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

29.01.2025

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To

1.The Presiding Officer,
Principal Special Court under EC & NDPS Act, Chennai

2.Learned Judicial Magistrate,
Ambattur

3.The Inspector of Police
V-3, J.J.Nagar Police Station, Chennai

4.The Superintendent
Central Prison, Puzhal, Chennai

5.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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