

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2025

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.29805 of 2025

Krishnakand

... Petitioner/A3

Vs.

The State represented by
The Inspector of Police,
R.S.Puram Police Station,
Coimbatore.
(Crime No.155 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner/Accused on bail in
Crime No.155 of 2025 pending on the file of the respondent Police.

For Petitioner : Mr.John Sathyan Senior Advocate

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on
27.03.2025, for the offence punishable under Sections 8(c) r/w. 20(b)(ii)(B),
22(b), 22(c), 25, 29(1) of NDPS Act and Section 4(1)(a) r/w. 4(1)(C) of Tamil
Nadu Prohibition (Amendment) Act, 2024. in connection with Crime No.155
of 2025 on the file of the respondent, seek bail.

2.The gist of the prosecution case is that on 27.03.2025 at about 5.00 a.m., one Vivek, SSI nominated as Special Officer, Special team formed for NDPS cases along with his team were keeping watch near Gandhi Park, received information that in Mettupalayam flower market near Amma Canteen, five persons between the age of 25 and 35 years pedaling drugs using their car. The information was recorded, sent to the Superior Officer and thereafter at about 6.00 a.m., the Special team reached the scene of occurrence. The informant identified persons and the cars, when the Special team went near them, the accused persons attempted to escape and all five persons apprehended. A3, A4 and A5 came in a white colour swift car, A1 and A2 came in a white colour swift tour car. In the presence of police witness, Section 50 of Narcotic Drugs and Psychotropic Substances Act [NDPS Act] complied with, search conducted, contraband seized and confession recorded. The confession revealed that A1 previously employed as Driver with A6 and from him, A1 purchased and sourced Cocaine, MDMA powder and pills. Further, A1 purchased, sourced green ganja and dry ganja from A7. A1 employed A2 and A3 and through them, A1 employed A4 and A5 and pedaling narcotic and psychotropic drugs

3.On the confession of A1, 24.40 grams of MDMA pills, 1620 grams of green ganja, cash of Rs.21 lakhs, electronic weighing machine, beer bottles, wine bottle, swift car and mobile phone seized. On the confession of A3, 92.43 grams of cocaine, 1016 grams of dry ganja, electronic weighing machine, another swift car and iphones seized. A1 identified A6, who was enquired, arrested and two mobile phones seized from him at about 10.45 a.m. Thereafter, A1 identified A7 was standing near his car in front of his apartment, A7 was questioned who admitted possession of narcotic drugs, produced 12.47 grams of MDMA powder, 1680 gush ganja, cash of Rs.4 lakhs, electronic weighing machine, iphone, volkwagen car and his confession statement recorded. All the accused, A1 to A7 along with the seized contraband and articles taken to the Police Station at about 5.00 p.m., and the accused, contraband and seized articles produced at about 6.30 p.m. along with Section 57 report to the Inspector of Police, who thereafter registered a case in Crime No.155 of 2025 for the offence under Sections 8(c) r/w. 20(b)(ii)(B), 22(b), 22(c), 25, 29(1) of NDPS Act and Section 4(1)(a) r/w. 4(1)(C) of Tamil Nadu Prohibition (Amendment)Act, 2024.

4. The learned Senior Counsel on behalf of the petitioner submitted that it is alleged that A3 traveled with A4 and A5 in the car belongs to A4 and they were surrounded by the respondent police and after conduct of seizure Cocaine weighing 92.93 grams (intermediate quantity) and dry ganja 1016 grams was recovered from A3 and from A4 & A5 there was no recovery. It was further alleged that, since A1 and A2 had traveled in separate car and they were in possession of MDMA pills weighing 24.40 grams (commercial quantity); this petitioner also alleged to have been involved in case of commercial quantity, section 37 is applicable, this analogy could not be applicable to the case of the petitioner since already this Court discussed the very same point in Crl.O.P.Nos.13093 & 14861 of 2025 and granted bail to A4 and A5. Admittedly A3 to A5 traveled in the another car and Section 37 of NDPS Act is not applicable for A3 to A5. A1 & A2 came to the place of the occurrence for the purpose of purchase of ganja from A1 & A2. Petitioner was not found in possession of the contraband. He further submitted that, this Court in the earlier orders also observed that other petitioners have been falsely implicated in this case and hence considering the fact that the persons who have traveled with the petitioner herein in the car has been granted bail, on the ground of parity, seeks for grant of bail to the petitioner.

5.The learned Government Advocate (Crl. Side) submitted that in this case on the secret information received, the Special team went to the scene of occurrence, found A1 to A5 in two swift cars and on seeing the Police, the accused persons attempted to flee, who were caught. Thereafter, Section 50 of NDPS Act complied with, the accused produced the contraband voluntarily and from the confession of A1 and A3, the role of A6 and A7 disclosed. In the scene of occurrence, the contraband, weighing machines, mobile phones, cars seized, from A6 two mobile phones and from A7, some more contraband, his mobile phone and his care seized. In this case, there are totally nine accused, A1 to A7 arrested, A8/Franklin from Mumbai through whom MDMA powders, cocaine purchased and A9/Prakash from Himachal Pradesh, through whom gush ganja purchased are yet to be arrested. He would submit that investigation is at the advanced stage, awaiting lab report for filing charge sheet. Further, the learned Government Advocate (Crl. Side) in his counter listed the specific overt act of each of the accused, contraband and seized articles and opposed the bail. A scanned reproduction of the same is as follows

S. No	Accused	Seized	Chemical Report
1	A-1/ Manikandan	1. MDMA Tablets - 24.40 gram 2. Green Ganja - 1620 gram 3. Rs.21 Lakhs 4.Swift Tour Car bearing registration No.TN 99 AD 2499	obtained
2	A-2 / Vinayagam	No Recovery	----
3	A-3/ Krishnakanth	1.cocaine - 92.43 gram 2. Dry Ganja - 1016 gram 3. Swift Car bearing registration No.TN 66 S 4092	obtained
4	A-4/ Mahavishnu	No Recovery	-----
5	A-5 / Athash tallstoy	No Recovery	-----
6	A-6/ Rithish Lamma	No Recovery	-----
7	A-7/ Krish Rohan shetty	1.MDMA Powder - 12.47 gram 2.Gush Ganja - 1680 gram 3. Rs.4 Lakhs 4.VOLKS WAGON White Colour Car bearing registration No.TN 66 L 0047 5.Electronic Weight Machine-02 6.I Phone 14 Pro Mobile-01	obtained
8	A-8/ Franklin	Still absconding	
9	A-9/ Prakash	Still Absconding	

6. This Court while granting bail to A5 in Crl.O.P.No.13093 of 2025 dated 17.06.2025 observed as follows:

7.Considering the submissions made and on perusal of the materials, it is seen that in this case, the Special Team on receipt of the information visited the scene of occurrence wherein A1 to A5 arrested. From A1, 24.40 grams of MDMA pills, 1620 grams of green ganja, Rs.21 lakhs cash and swift tour car bearing registration No.TN-99-AD-2499 seized, from A3, 92.43 grams of cocaine, 1016 grams of dry ganja and swift car bearing registration No.TN-66-S-4092 seized and from A7, 12.47 grams of MDMA powder, 1680 grams of gush ganja, Rs.4 lakhs cash, volkswagen white colour car bearing registration No.TN-66-L-0047, electronic weighing machine and one iphone seized. The seized articles and contraband are in possession of the respondent police. As regards A5, there is no seizure of any contraband. As regards A7, of the contraband seized MDMA is in excess of 2.47 grams of the intermediate quantity. The petitioners have no bad antecedents. Further, in this case the

arrest and seizure of the articles are witnessed by the Police Personnels alone. The confession of A7 during Police custody is in the presence of VAO and Village Assistant but from this confession, there is no recovery. Hence, the confession is of no value. The petitioners were arrested on 27.03.2025, investigation is at the advanced stage, awaiting lab report. The case projected against the petitioner is that he was sourcing ganja from Prakash of Himachal Pradesh and Gautam from Madurai. Therefore, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Similarly, while granting bail to A5, in the order in Crl.O.P.No.28404 of 2025 dated 17.10.2025 observed as follows:

6. Considering the case of the petitioner and the applicability of Section 37 of the NDPS Act, it is noted that a earlier order dismissing the bail was passed during the investigation stage. This Court had also granted bail to one of the co-accused in Crl.O.P.No.17426 of 2025 dated 08.10.2025. Since the recovery of contraband has been taken into account as a criterion for considering bail in this case, and persons from whom no recovery was effected, have been granted bail. In view of the principle of parity, I am of the opinion that the petitioner, who has also been in custody, is similarly placed with persons enlarged on bail, even though the prosecution contends that the

petitioner was in the company of A1 to A3. Considering that persons present at the scene of occurrence have already been granted bail, this Court is inclined to grant bail to the petitioner, subject to certain conditions:

7. In this case, it is alleged by the prosecution that, A3 to A5 went to the place of occurrence and purchased the contraband and at the time they were arrested by the respondent police, they were not aware about the contraband in possession of A1 and A2. Further, similarly placed accused A4 and A5 were also granted bail and the contraband have been seized from the petitioner is an intermediate quantity. Hence, this Court is inclined to grant bail to the petitioner.

8. Accordingly, the petitioner is ordered to be released on bail on their executing a bond 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 **Special Judge for NDPS Cases, Coimbatore** 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 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 petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioner 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 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 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]**;

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

10.12.2025

sma

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. Special Judge for NDPS Cases,
Coimbatore.
2. The Inspector of Police,
R.S.Puram Police Station,
Coimbatore.
3. The Central Prison, Coimbatore
4. The Public Prosecutor,
High Court of Madras.

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K.RAJASEKAR, J.

sma

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