



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-11-2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP No. 29167 of 2025

1. Jana

S/o Sathish No.2/66, Bajanai Kovil
street, Kolappancheri, Thiruvallur
district

Petitioner(s)

Vs

1. State Rep by the Inspector of police
Vellavedu police station, Thiruvalur
District Crime no.95 of 2025

Respondent(s)

PRAYER

To enlarge the petitioner on bail in Crime No.95 of 2025 on the file of the respondent police.

For Petitioner(s): M/s.A.S.Sujith

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

**ORDER**

The petitioner, who was arrested on 20.03.2025 by the respondent police in connection with Crime No.95 of 2025, for offences punishable under sections 8(c) r/w.22(c) and 25 of the NDPS Act, seeks bail.

2. The allegation against the petitioner is that he was found in possession of 268 grams (400 tablets) of Hydrochloride and Acetaminophen Tablet. Hence, the case.

3.The learned counsel appearing for the petitioner submitted that the petitioner, aged about 21 years, has been falsely implicated in this case. He further submitted that there are no independent witnesses to the occurrence and that only the police personnel have been shown as witnesses, which, according to him, amounts to a violation of mandatory provisions. He further submitted that the weight of the contraband has not been properly described in the seizure memo, and it has also been confirmed by the forensic lab that the total contraband is less than the commercial quantity. He further submitted that Section 50 of the NDPS Act was not followed in this case. Hence, he prayed for grant of bail.

4. Per contra, the learned Government Advocate (Crl.Side) submitted that



the petitioner was found in possession of 268 grams (400 tablets) of Hydrochloride and Acetaminophen, which falls under a commercial quantity.

He further submitted that the petitioner has several previous cases, including NDPS cases, and therefore, section 37 of the NDPS Act applies to him. Though it was recorded earlier that the seized contraband weighed only 6.70 grams, the actual weight of each tablet is 16.70 grams, and it was forwarded to forensic examination. The forensic examiner also gave a reply indicating that there was a clerical error while describing the items received by them. He further submitted that Section 50 of the NDPS Act is not applicable to the petitioner's case since the property was seized from the bag.

5. Heard the learned counsel on either side and perused the materials available on record.

6. On perusal of the FIR, it is seen that the police had made an attempt to secure independent witnesses before effecting seizure. Though the occurrence took place in a public place, no independent witnesses came forward, and therefore, only public officials are made as witnesses.

7. The evidentiary value of police officers being witnesses, and the non-



involvement of independent witnesses, and also with regard to the difference in weight and the challenge regarding the forensic examination, shall be tested during the course of the trial, and the same cannot be considered at the stage of investigation. Further it is also noted that the petitioner has several previous cases, including 11 cases cited by the prosecution in their counter, out of which 2 cases are under the NDPS Act. Hence, I am not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

14-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

mpa

To

1.State Rep by the Inspector of police
Vellavedu police station, Thiruvallur
District Crime no.95 of 2025

2.The Public Prosecutor
High Court of Madras.



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K.RAJASEKAR J.
mpa

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