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Crl.O.P.No.2901



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **04.11.2025**

CORAM :

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Crl.O.P.No.29012 of 2025

Muhammed Ameen

... Petitioner

-VS-

State Rep. by
The Inspector of Police,
Guduvancherry – PEW,
Kancheepuram.
(Crime No.290 of 2024)

... Respondent

Prayer:- Criminal Original Petition filed under Section 483 of BNSS, pleaded to
enlarge the petitioner on bail in C.C.No.712 of 2025 on the file of Principal
Special Court under EC & NDPS Act, Chennai.

For Petitioner : Mr.J.M.Batcha

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on
25.12.2024, for the alleged offence punishable under Sections 8(c) r/w
20(b)(ii)(A), 22(C) of NDPS Act in Crime No.290 of 2024, on the file of the



respondent police, seeks bail.

2. The case of the prosecution is that on 25.12.2024, at about 10.30 hours, when Tr.Marisamy, the Sub Inspector of Police was in a station duty at that he received the secret information about the illegal sale of contraband. Thereafter he along with his police team (i.e.,) Tr.Sathiyamoorthy, the Special Sub Inspector of Police, Tr.Kannan – Gr I – 1775 went to the scene of occurrence place (i.e.,) G.S.T.Road, near Potheri Railway Station. At that time one unknown person were standing in a suspicious manner along with bags. On seeing the respondent police team the accused persons tried to escape from the place. During the investigation it came to know that the accused person namely Mohammed Ameen. Subsequently, the respondent police conducted and search of the accused person found in possession of 650 gram Ganja and LSD Stamp 15 No's – 0.12 gram. Further, the respondent police seized the contraband, mobile phone and under cover of seizure mahazar in the presence of witnesses. Then the respondent police arrested the accused and recorded his confession statement. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner was arrested and he is in judicial custody from 25.12.2024 and is ready to abide by any conditions that may be imposed by this



Court and there is a non compliance of intimating the arrest to the family members or his relatives. Hence, there is a violation of procedures for arrest and he prayed for grant of bail to the petitioner. He further submitted that Section 50 compliance has also not substantive the petitioner is in Kerala his mother tongue is Malayalam. The documents preferred under Section 50 in Tamil, there is no recital whether the contents were explained to him or not.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that in the arrest memo it has been categorically recorded by the Officer the arrest information was passed on the father of the petitioner namely Abdul Azeez, while producing before the Magistrate in the remand report it has been categorically mentioned the phone number of the Abdul Azeez. Hence, there is no violation of intimating the arrest to the family members. He further submitted that the allegation of non compliance of Section 50 is also not acceptable, since it is recorded in the remand report as well as the statement recorded from the petitioner that he was having knowledge of the Tamil language and further substantial compliance of the Section 50 is not a ground for granting bail under Section 37 of NDPS Act. Hence, he opposed for grant of bail to the petitioner.

5. Heard both sides and perused the materials available on record including



the First Information Report.

6. Considering the submissions of the learned counsel on either side, admittedly the petitioner herein was served with the arrest memo, in the arrest memo it has been recorded that the father of the petitioner namely Abdul Azeez who was having a permanent address at Kerala has been intimated and signature of the petitioner herein has also obtained, along with his arrest memo while producing the petitioner before Magistrate for bringing the petitioner into judicial custody, a remand requisition report was also states that the police have contacted phone number +966509487763, and through telephone the arrest of the petitioner was intimated. Since the arrest memo and the remand requisition report is categorically reveal with the information passed on to the father of the petitioner herein regarding the arrest, this Court is of the view that there is a compliance of Sections 50 and 50A of Cr.P.C., corresponding to Sections 47 and 48 of BNSS, 2023. With regard to non compliance of Section 50 of NDPS Act, it is to be determined whether substantial compliance with Section 50 is sufficient or not, this issue is not the valid ground for consideration while deciding bail applications. Further it is also stated that the recovery is not from the body or person of the petitioner and only from the bag carried by the petitioner herein, in view of the same I am of the view that the points raised by the petitioner is not sufficient to satisfy the rigours of Section 37 of NDPS Act, and this Court is not inclined to



grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

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To

- 1.The Inspector of Police,
Guduvancherry – PEW,
Kancheepuram.
- 2.The Public Prosecutor,
High Court, Madras.

K. RAJASEKAR, J.



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