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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2025

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.29512 of 2025

Mudassir @ Mudaseer

... Petitioner

Vs.

State, Rep. by
Inspector of Police,
F-2 Egmore Police Station,
Chennai.
(Crime No.577 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, to enlarge the Petitioner/Accused on bail in Crime
No.577 of 2024 pending on the file of the respondent Police.

For Petitioner	:	Mr.S.Karthikeyan For Mr.K.Subburaj
For Respondent	:	Mr.A.Gopinath Government Advocate (Crl.Side)

ORDER

The petitioner, who was formally arrested and remanded to judicial custody on 30.01.2025, for the offence punishable under Sections 8(c) r/w 20(b)(ii)(B), 22(c), 25 and 29(1) of NDPS Act, 1985 in Crime No.577 of 2024, registered on the file of the respondent, seeks bail.



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2. The case of the prosecution is that on secret information, the respondent police intercepted a Hyundai i20 Sports four wheeler, bearing Registration No.TN12 BH 6401, on 16.12.2024 at about 03.00 hours; that A3 and A4 were travelling in the car, that A3 was found in possession of 700 grams of Methamphetamine and A4 was found in possession of 6.600 grams of Ganja; that the petitioner is arrayed as A1; that based on the confession of A3, the petitioner was arrested. Hence the case.

3. The learned counsel for the petitioner submitted that though it is stated that the petitioner was providing logical support, there is no material placed before the trial Court, to substantiate the same. He would further submit that the accused No.3 was already granted bail by this Court in Crl.O.P.No.5359 of 2025 dated 06.03.2025. On the basis of the confession statement of the co-accused, the petitioner was arrayed as A1 and was arrested not only in this case, but was also remanded in four other cases. He is said to be implicated, only based on the confession of the co-accused and no contraband was seized from the petitioner. He is in custody for nearly one year. Since no material has been produced to link the petitioner with the alleged contraband seized in this case, he prayed for grant of bail to the petitioner.



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4. In response, learned Government Advocate (Crl. Side) submitted that the petitioner is involved in four other cases. The statement recorded from the arrested accused reveals the involvement of the petitioner herein / A1 in this case. Hence, he strongly opposed to grant bail to the petitioner.

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

6. I have also gone through the FIR and the final report filed in this case. In the final report, it is stated that this petitioner has been formally arrested while he was in prison. He was arrayed as accused based on confession of co-accused. Except the confession statement recorded from the co-accused, without any other incriminating material, this petitioner is arrayed as accused. Further, no contraband were seized from this petitioner, there is no legally admissible evidence placed on record. The Hon'ble Supreme Court in ***Tofan Singh Vs State of Tamil Nadu*** has declared that statement recorded under Section 67 of NDPS Act or the statement recorded by police alone is not sufficient to link the accused with the contraband. Since, there is no material or *prima facie* evidence available against the accused, except the confession relied on by the prosecution to link the accused, I am of the view that the first limb of Section 37 of NDPS Act has been satisfied by the petitioner herein, and though it is stated that petitioner is involved in other cases, in all the cases,



the petitioner was arrayed accused on the same day and prior to arresting the accused in this case he has not involved in any similar offences. Hence, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, for a like sum to the satisfaction of the **II Additional EC & NDPS Court, Chennai**, and on further conditions that:

[a] the sureties shall affix his 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 trial Court on all working days at 10.30 a.m., for a period of four weeks and thereafter, on all hearing dates, without fail.**

[c] 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



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Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]**;

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

19.11.2025

kmm

To

1. The II Additional EC & NDPS Court, Chennai.
2. The Inspector of Police,
F-2 Egmore Police Station,
Chennai.
3. Puzhal Prison, Chennai.
4. The Public Prosecutor,
High Court of Madras.

K.RAJASEKAR, J.

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