



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

Crl.OP.No.29384 of 2025

S.Delip

... Petitioner

Vs.

The State, Represented by,
The Inspector of Police,
Town Police Station, Karaikal,
Puducherry.
(Crime No.200 of 2025)

... Respondent

Prayer: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail in Crime No.200 of 2025, on the file of the respondent police.

For petitioner	: Mr.V.Vadivalagia Nambi
For Respondent	: Mr.A.Gopinath, Government Advocate (Crl.Side).

ORDER

The petitioner was arrested and remanded to Judicial custody from 16.07.2025 for the offences punishable under Sections 20(b)(ii)C, 24 of NDPS Act, 1985, Section 14 A of the Foreigners Act, 1946 and Section 3(3) of the Passport (Entry to India) Act, 1920 in Crime No.200 of 2025, on the file of the respondent Police, seeks bail.



WEB COPY

2. The case of the prosecution is that, based on prior information, the police intercepted the vehicle near VOC Salai, Karaikal, wherein two persons, including the petitioner, were found engaged in a heated altercation between themselves. Upon search, it is alleged that about 26 kgs of Ganja concealed in the car boot was recovered and seized. Hence, this case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner was arrested on 14.07.2025, whereas the First Information Report has been registered only on 16.07.2025. Thereafter, the petitioner was remanded to judicial custody on the same day i.e., 16.07.2025. Thus, the petitioner was kept under illegal custody for more than 24 hours without being produced before the learned Magistrate as mandated under Article 22(2) of the Constitution of India. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl Side) appearing for the respondent police reiterated the prosecution case and, upon instructions, submitted that the petitioner is arrayed as the first accused. He would further submit that after completion of the investigation, the final report has been



filed, and since the quantity involved is of commercial in nature, the provisions of Section 37 of the NDPS Act are applicable. Hence, he strongly opposed to grant bail to the petitioner.

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

6. Considering the submissions made on both sides and perusing the records, though it is stated that the petitioner was taken into illegal custody of the respondent, there is no material to substantiate the same. The F.I.R. reveals that on the information received, on 15.07.2025 at about 19.30 hours, the Authorized Officer recorded the same and based on the recorded information, the police have intercepted the Accused Nos.1 & 2. While they were traveling in the car, the contraband was seized and thereafter, F.I.R. came to be registered on 16.07.2025 at about 0.026 hours i.e. Midnight. Hence, this Court could not accept the case of the petitioner that he was arrested as early as on 14.07.2025 and remanded only on 16.07.2025, without any material. Further, the contraband seized from the petitioner is a commercial quantity, and hence, Section 37 of NDPS Act is applicable to this case. Since no grounds were made out for satisfying the twin conditions



of Section 37 of NDPS Act, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

31.10.2025

Index : Yes/No

Speaking Order/Non Speaking Order

kmm

To

1. The Inspector of Police,
Town Police Station, Karaikal,
Puducherry.

2. The Public Prosecutor,
Madras High Court.



WEB COPY



K.RAJASEKAR.J.,

kmm

Crl.OP.No.29384 of 2025



WEB COPY



31.10.2025