



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-12-2025

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THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP No. 32266 of 2025

Saleem

Petitioner(s)

Vs

The State Rep. by the Inspector of Police,
PEW Gummudipoondi police station. Crime No.304 of
2024

Respondent(s)

PRAYER Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail in C.C. No.395 of 2025 in Crime No.304 of 2024 pending on the file of the Honorable Judge 1st Additional Special Court for Excl. Trial of Cases under EC and NDPS Act, Chennai.

For Petitioner(s): Mr.M.Dhanraj

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

ORDER



The petitioner, who was arrested and remanded to judicial custody on 14.11.2024 for the alleged offences under Sections 8(c), 20(b)(ii)(C), 29(1) and 25 of Narcotic Drugs and Psychotropic Substances Act, 1985 in C.C.No.395 of 2025 in Cr.No.304 of 2024 on the file of the I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai.

2. The case of the prosecution is that the petitioner along with other accused were in possession of 40 kgs of ganja. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this case. He has been implicated in this case based on confession of co-accused and no recovery made from this petitioner. He also submitted that the co-accused who are similarly placed has been granted bail by this Court in Crl.OP.Nos.27011 & 10375 of 2025 dated 22.10.2025 & 07.04.2025 respectively. He further submitted that he is ready to abide by any stringent conditions that may be



imposed by this Court and also ready to co-operate for investigation. Thereby, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and on instructions reported that after completion of investigation, final report filed before the learned I Additional Special Court Exclusive Trial of Cases under NDPS Act and the same has been taken on file in C.C.No.395 of 2025.

5. Heard the learned counsel for the petitioner as well as the learned Government Advocate (Crl.Side) appearing for the respondent police.

6. Admittedly, the final report in this case filed. The prosecution has only relied on the confession statement of the co-accused to implicate this petitioner. It is alleged that he is the main accused who is running this network. However, except the confession recorded from A1 to A3, no other material was produced



before this Court to substantiate the same. Even while considering the bail application of the similarly placed accused who is ranked as A6 namely Sarath @ Sarath Kumar Mandal, this Court has recorded that this petitioner is also similarly placed with A6 and A4. Both A4 & A6 were already released on bail by this Court in Crl.O.P.Nos.10375 and 27011 of 2025. Though it is stated that the petitioner herein is having bad antecedent, it is the specific case of the petitioner that he has been falsely implicated in this case based on the confession since the petitioner was having some bad antecedents. The only material available in this case is confession statement which is inadmissible as evidence, in view of the judgment of the Hon'ble Apex Court in ***Tofan Singh Vs. State of Tamil Nadu***, reported in ***2021 4 SCC 1***. Since the similarly placed accused were already granted bail by this Court on the ground that Section 37 has been satisfied in this case. I am of the view that this petitioner is also entitled for bail under Section 37 of NDPS Act on the grounds discussed above, with certain conditions:

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 **learned 1st**

Additional Special Court for Excl. Trial of Cases Under EC & NDPS Act, Chennai 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] 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**



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SCC 283];

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

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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
WEB COPY

1. The **1st Additional Special Court
for Excl. Trial of Cases Under EC &
NDPS Act, Chennai.**
2. The Inspector of Police,
PEW, Gummidipoondi Police Station.
3. The Central Prison-I,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR J.
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