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CrI.O.P.Nos.29775 & 31609 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2025

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THE HONOURABLE Mr. JUSTICE K. RAJASEKAR

CrI.O.P.Nos.29775 & 31609 of 2025

CrI.O.P.No.29775 of 2025:

Arun Parikshith

... Petitioner/A10

Vs.

The Stat of Tamil Nadu, Rep by
The Inspector of Police,
T-4 Madhuravoyal,
Chennai.
(Crime No.494 of 2025)

... Respondent

For Petitioner : Mr.T.Hemanth Raj
For Respondent : Mr.A.Gopinath,
Government Advocate (CrI.Side)

CrI.O.P.No.31609 of 2025:

Diwakar

... Petitioner/A8

Vs.

State By,
Inspector of Police,
T-4 Madhuravoyal,
Chennai.
(Crime No.494 of 2025)

... Respondent



Crl.O.P.Nos.29775 & 31609 of 2025

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

COMMON PRAYER : Criminal Original Petitions filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in Crime No.494 of 2025 on the file of the respondent police, pending investigation.

COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on **13.07.2025** for the alleged offence under Section 8(c) r/w 20 (b) (ii) (A), 22(c), 25, 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 in **Crime No.494 of 2025** on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 12.07.2025 at about 18.15 hours, based on a secret information about illegal sale of LSD Stamps, Methaphatamine and Ganja, the Respondent Police along with team went to the scene of occurrence and at that time, A1/Vasanth was standing in a suspicious manner and found that he was in illegal possession of 5.25 grams of Methapatamine for the purpose of selling to public and Royal Enfield bullet and



caught red handed. Based on the confession of A1, other accused persons were arrested, who were in illegal possession of 0.81 grams of LSD Stamps and 350 grams of ganja. Upon investigation and confession, it revealed that A2/Karthick purchased the contraband and stocked in A1's house, where the petitioners and other accused persons convert the substance into small packets and sell the same to various persons. Hence, the case.

3. Mr.T.Hemanth Raj, learned counsel appearing for the petitioner/Arun Parikshith in Crl.O.P.No.29775 of 2025 submitted that the petitioner who is arrayed as A10, was alleged to be in possession of 5.25 grams of Methamphetamine (which is Commercial quantity). He further submitted that the petitioner had no knowledge of the LSD stamps that were recovered from the room of Accused No.1. Therefore, the provision of Section 37 of the NDPS Act are not applicable to the petitioner. He further submitted that the petitioner, being a college student, has been falsely implicated in this case based on the confession of co-accused in this case and that he has not committed any offence as alleged by the prosecution and the FIR registered against the petitioner is a false, bogus, fabricated and concocted without any basis was arrested on 13.07.2025. Hence, he prays to grant bail to him.



4. Mr.S.Sasikumar, learned counsel appearing for the petitioner/Diwakar in Crl.O.P.No.31609 of 2025 submitted that the petitioner, who is arrayed as A8, has been falsely implicated in the present case based on the confession statement of co-accused. He further submitted that the contraband was seized by the police from A1 to A3 and no recovery has been effected from this petitioner and the said contraband was sent to chemical analysis. He further submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and that he is not having any previous bad antecedents and that major part of the investigation is completed and yet to waiting for forensic lab report and there is no specific overt act attributed against the petitioner. Hence, he prays to grant bail to him.

5. Mr.A.Gopinath, learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and, on instructions, submitted that the petitioners are all a members of drug peddlers and network run by A1, A2 herein. He further submitted that this is the second bail application and that earlier bail application of the petitioners have been dismissed by this Court vide order dated 22.09.2025 in Crl.O.P.No.24329 of 2025 and Crl.O.P.No.24785 of 2025. The bail applications of the co-accused in



WEB COPY this case also dismissed by this Court in batch of Crl.O.P.Nos.26029, 26157, 28185, 27240, 28459 & 25870 of 2025, dated 24.11.2025. The statements recorded from A1/Vasanth, A2/Karthick and A3/Aakash revealed that A2/Karthick used an online app to purchase Methamphetamine and other contraband, which was stored in the house. Thereafter, with the assistance of the other accused persons, the contraband was converted into small packets and sold to the public and students. He further submitted that investigation in this case is going on and releasing the accused on bail will hamper the investigation. Hence, he opposed to grant bail to the petitioners.

6. I have considered the submissions made on both sides and perused the records.

7. The statement of A1/Vasanth reveals that he is having previous cases of involvement in similar offences, and after being released on bail in another case, he continued the very same activities of trafficking, storing and selling contraband with the assistance of other accused persons. He further submitted that he used to purchase LSD stamps from known sources and keep in his house. Similarly, A2/Karthick purchased contraband from known sources and



shared it among his friends. Further, the sale transactions would be handed over to A2/Karthick. Similarly the statement recorded from A2/Karthick reveals that he joined with other accused; used to consume ganja together; he used purchase the Methapatamine and LSD stamps from his known sources and selling a portion of the contraband along with other accused.

8. The statements of A1/Vasanth and A2/Karthick revealed that these petitioners are regularly involved in the trafficking of contraband with the assistance of other accused/Petitioners. Though it has not been specifically recorded whether the other accused were aware about the possession of LSD stamps in the house. Since they were present in the house where the recovery was effected and they have also stated to be friends of A1 and A2, this Court is of the view that Section 37 of the NDPS Act squarely applicable to the case of the petitioners. In catena of Judgments, the Hon'ble Apex Court has repeatedly held that the question of conscious possession must be determined with regard to the factual backdrop of each case.

9. Though there is no specific statements recorded from the A1/Vasanth and A2/Karthick regarding the knowledge of possession of LSD stamps by the



other petitioners, the fact remains that all the petitioners were involved in the illegal possession, sale and trafficking of various types of contraband using the room of A1/Vasanth as the center of their activities is *prima facie* established at this stage.

10. Recently, the Apex Court in ***Union of India vs. Vigin K.Varghese*** reported in ***2025 INSC 1316*** has considered the scope of ***Section 37 of NDPS Act*** and also the continuous incarceration of the petitioners and the relevant paragraphs are extracted hereunder:

“17.The High Court then, on the strength of those premises, recorded a finding that there exist reasonable grounds to believe that the applicant is not guilty of the alleged offence, treating prolonged incarceration and likely delay as the justification for bail. Such a finding is not a casual observation. It is the statutory threshold under Section 37(1)(b)(ii) which would disentitle the discretionary relief and grant of bail must necessarily rest on careful appraisal of the material available. A conclusion of this nature, if returned without addressing the prosecution’s assertions of operative control and antecedent involvement, risks trenching upon appreciation of evidence which would be in the domain of trial court at first instance.



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18.This Court ordinarily shows deference to the discretion exercised by the High Court while considering the grant of bail. However, offences involving commercial quantity of narcotic drugs stand on a distinct statutory footing. Section 37 enacts a specific embargo on the grant of bail and obligates the Court to record satisfaction on the twin requirements noticed above, in addition to the ordinary tests under the Code of Criminal Procedure.

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20.We are of the view that, in the facts of this case, it would not be appropriate for this Court at the threshold stage itself to render findings on whether there are or not reasonable grounds, for believing that the respondent is not guilty, or on whether he is likely to commit any offence while on bail. That factual assessment, which the statute requires to be made and recorded with reasons, is one that the High Court must undertake upon a complete and fair appraisal of the rival contentions based on materials placed before it.”

11. Admittedly in this case, investigation is not concluded and in preliminary stage, in view of the observations made by the Apex Court in the above Judgment, at this stage rendered findings on whether there are or not reasonable grounds, for believing that the respondent is not guilty, or on



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whether he is likely to commit any offence while on bail, is not appropriate.

Hence, this Court is not inclined to further go into the violations of any of the mandatory provisions at this stage.

12. Accordingly, these Criminal Original Petitions are dismissed.

28.11.2025

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To:

1.The Inspector of Police,
T-4 Madhuravoyal Police Station,
Chennai

2.The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J.

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