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Crl.O.P.Nos.29829, 30159, 30444, 30897, 31171, 31728, 32143



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2025

CORAM :

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Crl.O.P.Nos.29829, 30159, 30444, 30897, 31171, 31728 & 32143 of 2025

Balasuriya	... Petitioner in Crl.O.P.29829 of 2025
Prabha @ Prabhakaran	... Petitioner in Crl.O.P.30159 of 2025
Logesh @ Logesh Kumar	... Petitioner in Crl.O.P.30444 of 2025
M.Shyam	... Petitioner in Crl.O.P.30897 of 2025
Kalaiselvan	... Petitioner in Crl.O.P.31171 of 2025
Bharath	... Petitioner in Crl.O.P.31728 of 2025
Kathirvelu	... Petitioner in Crl.O.P.32143 of 2025

-VS-

State Rep by,
The Inspector of Police,
Ashok Nagar Police Station,
Chennai.
(Crime No.354 of 2025)

... Respondent in all Crl.O.P's

Common Prayer:- Criminal Original Petition filed under Section 483 of BNSS,
pleaded to enlarge the petitioners on bail in Crime No.354 of 2025 pending
investigation on the file of the respondent police.



For Petitioners : Mr.R.C.Paul Kanagaraj
in Crl.O.P.29829 of 2025

Mr.J.Ramesh for Mr.M.Manimaran
in Crl.O.P.30159, 31171 of 2025

Mr.C.Balaji
in Crl.O.P.30444 of 2025

Mr.M.Vivekanandan
in Crl.O.P.30897 of 2025

Mr.Adinarayanarao
in Crl.O.P.31728 of 2025

Mr.V.Murugesan
in Crl.O.P.32143 of 2025

For Respondent : Mr.A.Gopinath,
Government Advocate (Crl. Side)
in all Crl.OP's

COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 24.09.2025 for the offences punishable under Sections 8(c) r/w 22(a), 22(b), 25 & 29(1) of the NDPS Act, @ u/s 8(c) r/w 20(b)(ii)(A), 22(a), 22(b), 22(c), 25, 29(1) of the NDPS Act, in Crime No.354 of 2025, registered on the file of the



respondent police, seeks bail.

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2. The case of the prosecution is that on 24.09.2025 at about 06.00 hours, when Tr.Suresh, the Sub Inspector of Police was in a station duty at that time he received the secret information about the illegal sale of Contraband. Thereafter he along with his police team Tr.Muthukrishnan HC- 48640 Tr.Stalinjosh HC – 33012 went to the scene of occurrence place (i.e.,) Ashok Nagar 21st Avenue, near 95th Street Junction. At that time two unknown person were standing suspicious manner one namely Praveen / A1, Yuvaraj / A2, bearing Registration No. TN 10 BD 0897 (Honda Activa). 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 A1 / Praveen, A2 / Yuvaraj. Subsequently, the respondent police conducted and search the accused person were found in possession of A1 / Praveen LSD Stamp – 0.08 gram, A2 / Yuvaraj – 0.74 gram Methamphetamine, Ketamine – 2.49 gram under cover of seizure mahazar in the presence of witnesses. Then the respondent police arrested the accused person A1 & A2 and recorded their confession statement.

2.1. Based on the confession recorded from A1 and A2 it revealed that they used to purchase the contraband from A3 and immediately A3 was also



arrested by the police and from him 18.82 grams of ganja was recovered. It is further revealed that he used to purchase the contraband from A4, A5 and A6.

Accordingly, they were arrested. In the statement of A4 and A5, it revealed that they have used to purchase the contraband from A11. Similarly from the arrested accused A6 2.73 grams of Methamphetamine was recovered and it further revealed that A6 joining hands with A7, A8, A9, A10, A13 used to purchase the contraband from A11 and A12. Based on the above statements, A11 and A12 were arrested on 24.09.2025 at about 20.15 hours from them. From A11 OG ganja – 78.61 gram, DMT – 0.56 gram, LSD stamp – 1.15 gram, Ketamine – 2.54 gram were recovered. From Accused No.12 LSD Stamp – 0.21 gram, Ganja – 7.22 gram were recovered.

3. The learned counsel appearing for A12 submitted that A12 was taken from his house around 3.20 p.m., on 24.09.2025 and there are CCTV footages to show that he was not arrested as stated by the prosecution and contrabands was seized. He further submitted that A12 is the Master Graduate in Computer Science, his father is also a contractor in the State Government. Hence there is no necessity for the petitioner to involve in these offences. He further produced the copies of the CCTV to show that he was accompanied with the police prior to the search and seizure effected from the petitioner. Further the CCTV



footages are showing the petitioner being taken by the police and there is no reply in the counter regarding the allegations made. Hence he prays to grant bail to the petitioner. He further relied on the orders passed by this Court in Crl.O.P.No.2490 of 2025 dated 15.09.2025, Crl.O.P.No.5293 of 2025 dated 11.09.2025 and Crl.O.P.No.7830 of 2025 dated 25.03.2025 and submitted that in similar circumstances this Court has accepted the CCTV footages and granted bail for the reasons stated thereon.

3.1. The learned respective counsel appearing for the other petitioners submitted that recoveries effected from petitioner herein falls either in small quantity or in intermediary quantity. From some of the accused no recovery is effected. The allegation against the petitioners is that they used to sell the contraband after purchasing the same from A11 and A12. They have no direct link with the contrabands seized from A11 and A12. It is the allegation that these petitioners used to purchase only smaller quantity of contraband from A11 and A12. Hence the contrabands seized from A11 and A12 could not be linked with the other petitioners. Hence Section 37 of NDPS Act is not applicable to them. Hence prays to grant bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the



respondent reiterated the prosecution case, submitted that it is a network of drug peddlars and A11 and A12 are the main accused who used to procure the contraband from various places and sell to the students and others. He further submitted that investigation in this case is started from arresting of A1 and A2, and thereafter it connects the other accused leads to A12. Apart from that, further investigation reveals some more involvement of accused in this case. He further submitted that the petitioners were aware that the A11 and A12 were continuously involved in trafficking of various kinds of Narcotics and Psychotropic Substances. He further submitted that if the bail is granted there is likelihood of petitioners involved in similar offences. Hence, he opposed for grant of bail to the petitioner.

5. I have considered the submissions made on both sides and perused the records. It is the case of the prosecution that A11 and A12 used to sell contraband to various persons including some of the petitioner herein. The other petitioners have not involved in either possession, sale or trafficking of the contraband (Commercial quantity) seized from A11 and A12. The petitioners were found in possession of either small quantity or intermediary quantity. The statements recorded from the accused also very clear that they used to purchase the contraband from A11 and A12. The statement recorded from A1 to A10 also



reveals that, they have no knowledge or connection about the contraband seized from A11 and A12. In these circumstances, I am of the view that there is no material to connect the contraband seized from A11 and A12. Hence, if the contraband seized from A11 and A12 have not taken into consideration, the remaining seizure effected from the petitioner falls either small or intermediate quantity. Hence, I am of the view that Section 37 of the NDPS Act is not applicable to the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

5.1. As per the A12 is concerned CCTV footages have produced to show that police have also accompanied the A12 in this case near his house, the time recorded also indicate that prior to the search and seizure, A12 was found with police near his house. Search and seizure was effected from some other places.

5.2. Apart from that, this Court has taken view to the effect that if the petitioners who were arrested to establish the fact that they were taken into custody prior to effecting search and seizure, then non explanation of the same by the prosecution would lead to the conclusion that there is likelihood of foisting the case. The order passed in Crl.O.P.No.2490 of 2025 in paragraphs 13 and 14 are as follows:



“13. This Court, on examining the content of the pen drive, finds 4 plain cloth persons entering a flat bearing No.B-4 on 27.06.2024 at about 05.11 p.m and coming out with three other persons. One in the middle and two others caught by their neck on either side by the persons who entered the flat. This footage captured from the CCTV camera kept focusing the entrance of the flat. Though nothing more is made out from his footage, the conspicuous silence of the prosecution about the allegation made in para 6 of the bail petition, throws doubt about the case of the prosecution, coupled with the fact that in the carbon copy of the seizure memo, the column (5) meant for details regarding the person from whom the contraband seized is left blank. In the seizure memo, the place of seizure is mentioned as, ‘In front of Aroma Garden, Edayanchavady, Auroville, Villupuram District’. The weigh bill produced by the prosecution indicates the contraband alleged to have been seized from this petitioner and A-5 bear Auroville is weighed at ‘A.Shanmugavel, General Stores’ located opposite to JIPMER, Municipal Complex, Gorimedu, Puducherry. No explanation forthcoming from the prosecution why the contraband was not weighed at the spot of seizure. However, the weight of the contraband was not weighed at the spot of seizure. However, the weight of the contraband found in the seizure memo alleged to have prepared at the spot of seizure.

14. For the above reasons, this Court finds that there are reasonable ground to believe that the seizure of alleged 1600 blots of LSD is not in the manner, time and place as mentioned in the records relied by the prosecution. Hence, this Court is inclined to grant bail to the petitioner with certain conditions.”



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5.3. Similarly in Crl.O.P.No.7830 of 2025 in paragraphs 6 and 7 are as

follows:

“6. This Court while granting bail to the said Shahul Hameed observed as follows:

‘5. A perusal of the typed set filed by the learned Senior counsel appearing for the petitioner would show that the petitioner’s son has sent a representation dated 30.12.2024 at 2.30 p.m., by speed post complaining about the arrest on 27.12.2024 and the illegal detention of the petitioner. The fact that the representation was sent, is not in dispute. The petitioner has no previous antecedents. Hence, taking into consideration of the above facts, this Court is of the view that the version of the petitioner that he was not arrested in the manner alleged by the prosecution is probable. Consequently, the recovery from the petitioner is doubtful. It is made clear that the above observation is made only for the purpose of this

application. It is for the prosecution to prove their case in the manner known to law.

6. Considering the aforesaid facts, this Court is of the view that the petitioner has satisfied the twin conditions under Section 37 of NDPS Act. Hence, taking into consideration the aforesaid facts, nature of allegations, period of incarceration and since further custody of the petitioner is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioner with certain conditions.’



According to the prosecution the petitioner and the said Shahul Hameed were arrested at the same time. Since this Court prima facie found that the arrest was not at the time and place mentioned by the prosecution and consequently the recovery of contraband from Shahul Hameed was doubtful, the same benefit has to enure to the petitioner as well. However, the observations are only for the purpose of deciding this bail application.

7. Considering the aforesaid facts, this Court is of the view that the petitioner has satisfied the twin conditions under Section 37 of NDPS Act. Hence, taking into consideration the aforesaid facts, nature of allegations, period of incarceration and since further custody of the petitioner is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioner with certain conditions.”

5.4. Applying the above ratio, I am of the view that, in this case is also the Accused No.12 has established that he has been taken custody prior to effecting search and seizure by the police. Hence, there are reasonable grounds that seizure effected from the Accused No.12 is not in the manner, time and place as mentioned in the records relied by the prosecution. Hence, this Court is inclined to grant bail to the petitioner / A12 with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand only)**



with two sureties, each for a like sum to the satisfaction of the *learned Principal Special Court under EC & NDPS Act Cases, Chennai (Crl.O.P.29829, 30897 of 2025), XVII Judicial Magistrate Court, Saidapet (Crl.O.P.30159, 30444, 31171 of 2025), XXIII Metropolitan Magistrate, Saidapet, Chennai (Crl.O.P.31728, 32143 of 2025)* 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 petitioners shall report before the concerned Satisfaction Court daily at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with the evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the



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learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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)AIR SCW 5560];

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

27.11.2025

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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

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- 1.The Principal Special Court under EC & NDPS Act cases, Chennai.
- 2.The XVII Judicial Magistrate Court, Saidapet.
- 3.The XXIII Metropolitan Magistrate, Saidapet, Chennai.
- 4.The Inspector of Police,
Ashok Nagar Police Station,
Chennai.
- 5.The Superintendent of Prison,
Central Prison – II, Puzhal.
- 6.The Superintendent of Prison,
Central Prison, Puzhal.
- 7.The Public Prosecutor,
High Court, Madras.

K. RAJASEKAR, J.

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