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Crl.O.P.Nos.30617 and 30621 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-12-2025

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NOS.30617 and 30621 of 2025

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| 1. Santhosh | ... Petitioner in Crl.O.P.No.30617 of 2025/ A4 |
| 2. Iyyappan | ... Petitioner in Crl.O.P.No.30621 of 2025/ A5 |

Vs

The State rep. by,
The Inspector of Police,
E-5, Sholavaram Police Station,
Chennai.
(Crime No.214 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner/accused in Crime No.214 of 2025 on the file of the respondent police.

For Petitioner(s) : Mr. T. Balaji
For Mr. S. Karthick

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



ORDER

The petitioners herein/ Santhosh and Iyyappan were arrested and remanded to judicial custody on 02.06.2025 and 03.06.2025, respectively by the respondent police, for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C), 25 and 29(1) of NDPS Act in Crime No.214 of 2025, registered on the file of the respondent police, seek bail. Now the case is pending as C.C.No.1566 of 2025.

2. The case of the prosecution is that on 27.03.2025 based on an information, the police party went near Kaikathamman Kovil at Athur to Erumaivettipalayam Road and intercepted a vehicle bearing Registration No.TN-42-AA-9609, in which seven persons were travelling; that on seeing the police, four persons escaped from the scene of occurrence and the respondent after complying all the mandatory provisions, apprehended the remaining three persons, who arrayed as A1 to A3 and seized 22 kilograms of Ganja from the said vehicle; that upon confession statement recorded from A1 to A3, the petitioners herein were arrayed as accused and subsequently, they were arrested. Hence, this case.

3. The learned counsel appearing for the petitioners submitted that the petitioners were falsely implicated in this case, since the petitioners were



having some previous cases under IPC offences; that they have not involved in the alleged offence, they have not travelled in the aforesaid car with the arrested accused/ A1 to A3 and no contraband was seized from the petitioners herein; and that the petitioners are ready to abide by any conditions that may be imposed by this Court and sought for bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent while opposing the bail to the petitioners reiterated the prosecution case and submitted that there are totally seven accused involved in this case and the petitioners herein are arrayed as A4 and A5 in this case; that the contraband involved in this case is of commercial quantity; that the confession statement of the arrested accused revealed that the petitioners herein had travelled in the car along with the co-accused and they were aware about the possession of the contraband, hence they cannot claim that no contraband was seized from them and contended that Section 37 of the NDPS is applicable to the petitioners herein; and that the investigation of this case is pending.

5. I have considered the submissions made on both sides and perused the materials available on record, more particularly final report. The list witnesses 1 to 6 are added to speak about the occurrence on 27.03.2024. In



the statement, they have narrated the entire incident that took place on 27.03.2025, especially the compliance of mandatory provisions, search and seizure of the contraband from A1 to A3, they have also stated that the arrested accused had given confession, specifying the names of the petitioners herein. The other witnesses cited by the prosecution in the final report is the owner of the vehicle, forensic expert and the Investigation Officer - who has arrested the accused. Apart from that, there is no identification parade or any other materials produced to connect the petitioners herein with the alleged offence and to the fact that the petitioners have travelled in the car along with the co-accused at the time of seizure of contraband. The prosecution had only relied on the statement of the arrested accused, which is inadmissible as held by the judgment of the Apex Court in *Toofan Singh vs. The State of Tamil Nadu* [AIR 2020 SCC 5592].

6. Since in this case, the Prosecution only relied on confession of co-accused and though, it is stated that the petitioners herein are having two previous cases, those cases are related to IPC offences and not under NDPS Act and in view of the facts discussed above, I am of the view that the petitioners herein have satisfied the twin conditions of Section 37 of the NDPS Act and this Court is inclined to grant bail to the petitioners with certain



conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties each**, for a like sum to the satisfaction of the **Trial Court/ Special Court for NDPS Cases, 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 petitioners shall report before the Trial Court daily at 10:30 a.m., until further orders;**

[c] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned 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)13 SCC 283]**;



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K. RAJASEKAR, J.

stn

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

09.12.2025

stn

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

1. The Judicial Magistrate No.II, Ponneri.
2. The Inspector of Police,
E-5, Sholavaram Police Station,
Chennai. (Crime No.214 of 2025)
3. The Superintendent,
Central Prison Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.

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