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Crl.OP.No.31255 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2025

CORAM:

THE HONOURABLE Mr. JUSTICE K. RAJASEKAR

Crl.O.P.No.31255 of 2025

Martin Joshwa Thimothi

... Petitioner

Vs.

State Rep by
The Inspector of Police,
K-2 Ayanavaram Police Station,
Chennai
(Cr.No.311 of 2024)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 483 of BNSS, 2023 praying to enlarge the accused/petitioner on bail pending investigation in K-2 Police Station in Cr.No.311 of 2024 on the file of the respondent police.

For Petitioner : Mr.S.Muralidharan

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 13.11.2024 for the alleged offences punishable under Sections 8(c), r/w 22(c) & 29(1) of NDPS Act, 1985 @ under Section 8(c) r/w 22(c), 29(1) and 20(b)(ii)A of NDPS Act in Cr.No.311 of 2024 on the file of the respondent



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2. The case of the prosecution is that on 13.11.2024 at about 12.15 hours, when Ayyanar the Sub Inspector of Police was in station duty at that time, he received secret information about the illegal sale of narcotic substance. After receiving information, he along with his police team went to the scene of occurrence ie., near Solai Ground, Ayanavaram. At that time, two unknown person standing on that place in a suspicious manner, on seeing the police parties, they tried to escape from the place, immediately the respondent police caught hold the accused person and enquired them. During the enquiry came to know that the accused persons namely Surya/A1 and Martin Joshwa Thimoti/A2 and on searching the said accused and found in possession of 23 LSD stamps from A1, 5 LSD stamps, 4.5 grams of methamphetamine and 1 gram of OG from A2. Subsequently, the respondent police have taken samples of contraband and remaining were kept in the same bag. Thereafter, the respondent police arrested the accused persons and recorded their confession statement from them. After that the arrested accused person along with the seized contraband had taken to the respondent police station. Hence, the case.

3. The learned counsel for the petitioner stated that FIR does not specifically stated that what is total quantity of stamps and other contrabands



and he further submitted that the petitioner is not consonance with the provisions of NDPS act. He further submitted that the petitioner is not having any previous case and prays to grant bail. He further submitted that since the mahazar itself is not a clear recording the contraband seized and hence Section 37 of NDPS not applicable to the case of the petitioner. Hence, prays to grant bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and submitted that since the stamps have been seized in the mahazar and thereafter, the inventory was taken and sent to forensic examination and forensic report also received and confirming the contraband and also the weight of the each contraband and accordingly it has been found that the petitioner has carrying 0.182 grams of LSD stamps (commercial quantity) Hence, he vehemently opposed the grant of bail to the petitioner.

5. I have considered the submissions on both sides and perused the records. In the FIR, though it is stated that the petitioner along with another persons were intercepted by the police and after the compliance of the various provisions 4.5 grams of methamphetamine and 5 numbers of LSD Stamps and 1grams of ganja was recovered from the petitioner herein Though it is stated by the Government Advocate that number of stamps and

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weight of LSD stamps has not been stated in the FIR, the report of the forensic officer and other inventory revealed that the LSD stamps was weighing 0.128grams (commercial quantity). Hence, I am of the view that the petitioner has to satisfy the twin conditions of Section 37 of NDPS Act and so far the petitioner has not made out. Further, the statement of the Forensic expert was also produced for substantiation of this view. Hence, I am not inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

24.11.2025

Vv

To

1.The *V Metropolitan Magistrate, Egmore, Chennai*

2.The Inspector of Police,
K-2 Ayanavaram Police Station,
Chennai

3.The Public Prosecutor,
High Court, Madras.

K. RAJASEKAR,J.



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