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Crl.OP.No.31471 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2025

CORAM

THE HONOURABLE MR JUSTICE **K.RAJASEKAR**

Crl.O.P.No.31471 of 2025

Parvesh Ussain

... Petitioner

Vs.

State by

The Inspector of Police

H-6, R.K.Nagar Police Station

Chennai

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in
C.C.No.1069 of 2025 on the file of the II Additional Special Court for
Exclusive Trial of cases under NDPS Act, Chennai in Cr.No.387 of 2025.

For Petitioner : Mr.S.Senthilvel

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



CrI.OP.No.31471 of 2025

ORDER

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The petitioner, who was arrested and remanded to judicial custody on 04.06.2025 for the alleged offence punishable under Sections 8(c) r/w 22(C), 29(1) of NDPS Act and under Section 25(1B)(a) of Arms Act, 1959 in C.C.No.1069 of 2025 on the file of the II Additional Special Court for Exclusive Trial of cases under NDPS Act, Chennai in Cr.No.387 of 2025. , seeks bail.

2. The case of the prosecution is that on 04.06.2025, at about 09.45 hours, the respondent police was on patrol duty, received an information about the possession and transport of Methamphetamine by 5 persons near I.O.C Yard and same was reduced into writing and police party went to place of occurrence, intercepted A1 to A5. After complying other mandatory provisions, search was conducted and they are in possession of 700 grams of Methamphetamine and A1 to A2 were arrested. Based on their statement, A6 and A7 were arrested and A8 is absconding and the case was investigated and final report filed. Now in the final report it is stated that, A8 is the



persons who supplied the contraband after collecting a sum of Rs.2.8lakhs from A2, A3, A5 with the help of A6, transported 700 g of Methamphetamine from Manipur.

3. The learned counsel appearing for the petitioner submitted that though in the seizure mahazar it was recorded 700 g of Methamphetamine was recovered from A1 to A5, it was not specific to state from whom the whole contraband has been seized. In the seizure mahazar, it is stated that from A1 to A5, Cellphones were recovered and there is no clarity with regard to the seizure of 700 g of Methamphetamine and from whom it was recovered. In the final report, it was stated that the recovery was effected there is no other material to connect the accused with the alleged seizure of contraband. Since there is no material to connect the petitioners/accuse with the seizure and they have no previous cases against them, these have satisfied the twin conditions contemplated under Section 37 of NDPS Act.

4. The learned Government Advocate (Crl.Side) submitted that there are money transactions taken place between A2 to A5 and that they have



made payment of Rs.2.8lakhs to A8 for the purpose of procuring the contraband and also to supply the same. He further submitted that the petitioners are close relatives and they are known to each other and they are in same place at the time of seizure, hence they cannot plead that they were not aware of the contraband recovered in this case. He further submitted that cellphones were also recovered and these materials are sufficient to link these petitioners with the alleged contraband.

5. Admittedly, investigation in this case has been completed and final report also filed. The seizure mahazar reveals that at the time of seizure it has been recorded that, recovery effected are of 700 g of Methamphetamine and 5 cellphones from A1 to A5. It is not specifically stated from whom the seizure was recovered. The Methamphetamine seized produced before the concerned Magistrate under Form 91 and also the subsequent inventory reveals that the prosecution recovered 700 g of Methamphetamine. It is also specifically stated in the list of witnesses that there are witnesses to speak about the recovery. It is also alleged in the final report that the



recovery was effected from A2 and though the confession recorded from A1 to A5 is not admissible in evidence, there are witnesses to speak about the recovery from A2.

6. It is admitted fact that, there is no evidence or witness cited for examination to prove the alleged cash transaction or other bank transaction, further there is no other evidence except the confession recorded from the arrested accused to show they knew about the possession of contraband by Accused No.2. Though cellphones were seized, admittedly same were not subjected to investigation as no CDR details were obtained and no materials have been produced. It is also admitted by the petitioners that they will not indulge in similar offences and ready to by any conditions. So far, no previous cases reported against them. I am of the view that the petitioners have satisfied the conditions contemplated under Section 37 of NDPS and hence, I am inclined to grant bail to the petitioner.

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 XV

Metropolitan Magistrate, George Town, 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 10.30a.m., until further orders;

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen



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CrI.OP.No.31471 of 2025

days, he shall comply to the directions as may be given by the Court in this regard;

[f] 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 SCC 283]**;

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

21.11.2025

Vv

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



Crl.OP.No.31471 of 2025



website of this Court will be watermarked and
will also have a QR code.

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To

1. The II Additional Special Court for Exclusive Trial of cases under NDPS
Act, Chennai
2. The The Inspector of Police
H-6, R.K.Nagar Police Station
Chennai
3. The Central Prison
Puzhal, Chennai
4. The Public Prosecutor
High Court of Madras,
Chennai 600 104.

K.RAJASEKAR, J.

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