



Crl.OP.No.31895 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2025

CORAM:

THE HON'BLE MR.JUSTICE **M.NIRMAL KUMAR**

Crl.OP.No.31895 of 2025

Selva Bharathi

...Petitioner

Vs.

State of Tamil Nadu rep. by,
The Inspector of Police,
Prohibition Enforcement Wing (PEW),
Triplicane Unit, Chennai.
Crime No.97 of 2025.

...Respondent

Criminal Original Petition filed under Section 528 of BNSS, 2023, to set aside the dismissal order dated 12.11.2025 in Crl.M.P.No.6425 of 2025 in Crime No.97 of 2025 passed by the Hon'ble Special Court under EC & NDPS Act at Chennai.

For Petitioner : Mr.G.Anbuezhayan



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For Respondent : Mr.K.M.D.Muhilan, Additional Public Prosecutor

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ORDER

This criminal original petition has been filed to set aside the impugned order dated 12.11.2025 passed in Crl.M.P.No.6425 of 2025 by the learned Special Court under EC & NDPS Act, Chennai.

2.It is the case of the petitioner that he was arrested and remanded on 04.08.2025 in connection with the FIR in Crime No.97 of 2025 registered for the offences under Sections 8(1) and 20(b)ii(B) of the NDPS Act, for alleged possession of 14.2 Kgs. of Ganja. Subsequently, the petitioner was granted bail by the Court below on 29.09.2025 in Crl.MP.No.5858 of 2025 on certain conditions and one such condition is that the petitioner should



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appear before the respondent police daily at 10.30 am for a period of 15 days

from the date of release and the petitioner was released on bail on

30.09.2025. Pursuant to the same, the petitioner filed a petition in

Crl.MP.No.6425 of 2025 seeking modification of the bail condition.

However, the trial Court, *vide* impugned order dated 12.11.2025, dismissed

the said modification petition. Hence, this petition.

3.Learned counsel for the petitioner submitted that, the petitioner is only aged about 19 years and is suffering from a skin disease, for which he requires treatment and he also produced a medical prescription to substantiate his claim. Since he is residing in Coimbatore along with his mother and has no one to take care of him in Chennai for food and medical treatment, petitioner moved the present modification petition. However, without considering any of the above said facts, the Special Court under EC



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& NDPS Act, Chennai, vide impugned order dismissed the modification

petition filed by the petitioner seeking modification of the condition pertaining to appearance of the petitioner before the respondent police daily at 10.30 am for a period of 15 days from the date of release, which is not sustainable. Accordingly, he prayed for appropriate orders.

4.*Per contra*, the learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner was found in possession of 14.2 Kgs. of Ganja and though the petitioner was granted bail on 29.09.2025, he was released only on 03.10.2025, but produced a prescription of a Doctor dated 02.10.2025 that he cannot stay in Chennai, he needs to be in Coimbatore for skin treatment. Admittedly, on 02.10.2025, petitioner was in jail. Hence, the medical report is highly doubtful. He further submitted that investigation is in progress, the petitioner's appearance and interrogation is necessary to find out the source and for what purpose and to whom the



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contraband to be delivered. Hence, he strongly opposed the petition.

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5.Considering the submissions and on perusal of the materials, it is seen that the claim of the petitioner that he is suffering from skin disease and medical report dated 02.10.2025 are doubtful. It is also seen that after granting bail, even for a single day, the petitioner has not complied the condition. It is contended that further investigation is in progress and the petitioner's presence is necessary.

6.In view of the above, this Court is not inclined to entertain this petition and the Court below has rightly dismissed the petition by impugned order dated 12.11.2025 in Crl.M.P.No.6425 of 2025 and the same is confirmed.



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7.Considering the age of the petitioner, this Court takes a lenient view and directs the petitioner to appear before the respondent Police daily at 10.30 a.m., for a period of 15 days without fail from 01.12.2025 to 14.12.2025.

8.In the result, this criminal original petition is disposed of.

24.11.2025

skt

Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No

To:

1. The Inspector of Police,
Prohibition Enforcement Wing (PEW),

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Triplicane Unit, Chennai.

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2. The Special Court under EC & NDPS Act,
Chennai.
3. The Public Prosecutor,
Madras High Court.

M.NIRMAL KUMAR, J.

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