



WEB COPY

Crl.O.P.No.32553



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2025

CORAM :

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Crl.O.P.No.32553 of 2025

Selvakumar @ Abdulla

... Petitioner

-VS-

State Rep by,
The Inspector of Police,
C-5 Kothavalchavadi Police Station,
Chennai.
(Crime No.80 of 2025)

... Respondent

Prayer:- Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner / 6th Accused in C.C.No.949 of 2025 on the file of the Hon'ble II Additional Special Court for Exclusive Trial of Cases under NDPS Act.

For Petitioner : Mr.A.Thirumaran

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



WEB COPY

Crl.O.P.No.3255



ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.05.2025 for the offences punishable under Sections 8(c), 22(b), 29(1) of NDPS Act, 1985, in Crime No.80 of 2025, registered on the file of the respondent police, seeks bail.

2. The allegation against this petitioner is that, this petitioner is ranked as A6 in this case. On prior information, the respondent intercepted and arrested A1 on 13.05.2025 at about 15.15 hours and after search and seizure 3.88 grams of Methamphetamine (intermediate quantity) was recovered. Based on the confession recorded from A1 it revealed that A2 is the purchaser of the contraband to A1. Further investigation revealed that A2, A3, A4 used to purchasing from A5 (Mohammed Sidiq) and he was arrested along with the contraband 77.88 grams of Methamphetamine and 450 grams of ganja. After arresting the A5 it reveals that he used to purchase the contraband from A8. After A8 was also arrested from him 4.12 grams of Methamphetamine was recovered and it further revealed that this petitioner purchased the



Methamphetamine from A8. Hence the petitioner was arrested and he is in custody from 21.05.2025.

WEB COPY

3. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case and the petitioner was in judicial custody since 21.05.2025. He further submitted that this petitioner was having some bad antecedents regarding the IPC offences, hence for the purpose of detained him in prison, the petitioner has been added as accused in this case, based on the confession given by one of the accused and it is alleged that this petitioner used to purchase the contraband from A8. However, there is no link between the seized contraband in this case with the petitioner / A6. This petitioner is neither involved in transportation, possession or sale of the contraband involved in this case. He further submitted that co-accused in this case were already granted bail by this Court in Crl.O.P.Nos.19112, 17775, 20875 of 2025 by order dated 13.08.2025. Hence he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent reiterated the prosecution case, submitted that this petitioner used to purchase the contraband from A8, the petitioner is the part of the larger network



of traffickers. He further submitted that the petitioner herein was also involved in 11 previous cases (IPC offences). Hence, he opposed for grant of bail to the petitioner.

5. I have considered the submissions made on both sides and on perusal of records, in the earlier order passed by this Court in Crl.O.P.Nos.19112, 17775, 20875 of 2025, while granting bail to A1, A2, A7 it is observed as follows:

“7. Considering the submissions made and on perusal of the materials, it is seen that admittedly A1 in this case was arrested on 13.05.2025 and 3.88 grams of Methamphetamine seized from him in the presence of Police Personnels. Further, as regards A2 and A7 who were arrested on 16.05.2025 and 19.06.2025, there is no recovery from them. As on date of their remand, the sections not altered and after the arrest of other accused, more particularly, A5 on 21.05.2025 from whom 77.88 grams of Methamphetamine and 450 grams of ganja seized, the case was altered to commercial quantity. In this case, except for the CDR report and some bank transactions between A1 and A2, there is nothing more, mere transactions cannot be straight away read against them.

*8. The Apex Court in the case of **Mallikarjun vs. The State of Karnataka [SLP.(CRL.) No.3341 of 2023 dated 22.01.2024]** held that clubbing of total contraband will not be justified when the seizure were independent on different dates and by clubbing would bring the quantity of contraband to commercial quantity category*



WEB COPY



and it will be prejudicial to the accused. In the case of **Ragini Dwivedi @ Gini Rags vs. The State of Karnataka** reported in 2021 SCC Online SC 174, the Apex Court held that when the explanation of accused was that possession of contraband was for personal use, it is proper that Section 27 of NDPS Act ought to be invoked and in such case, citing Section 37 of NDPS Act against the accused would not be proper. In the case of **Irshad vs. State rep. by Inspector of Police, PEW Anna Nagar Police Station, Chennai [Crl.O.P.No.27634 of 2024 dated 20.11.2024]**, this Court held that except for the confession statement when there is no other material to show that the accused had continuity of action and commonality of purpose or design so as to bring their act of possession to constitute commission of offence in the course of same transaction would not be proper. In the case of **Abdul Hameed vs. State by Inspector of Police, V5 Thirumangalam Police Station, Chennai [Crl.O.P.No.21315 of 2022 dated 12.09.2022]**, this Court granted bail to the accused on the ground that the seizure made from the accused therein is not a commercial quantity and there is no materials to connect the accused with the other accused. Aggrieved against the same, the State preferred an appeal before the Apex Court in **Crl.A.No.650 of 2024 @ Slp(Crl.) No.738 of 2023**, wherein the Apex Court by order dated 06.02.2024 confirmed the grant of bail finding that the contraband was below commercial quantity and the rigor of Section 37 of NDPS Act would not apply. In the case of **State (By NCB) Bengalure vs. Pallulabid Ahmed Arimutta and another** reported in (2022)12 SCC 633, the Apex



WEB COPY



*Court on the allegations and objections by the NCB that the accused were in constant touch with each other on the date of seizure and referred to the CDR details, held that this aspect of CDR details can be examined at the stage of trial and granted bail. Likewise in the case of **Abdul Rab vs. Narcotics Control Bureau** reported in **2025 SCC Online DEL 293**, wherein the Delhi High Court held that while considering the application for grant of bail, CDR connectivity between the accused and the co-accused would not be sufficient in the absence of recovery of any contraband. In this case, admittedly on the confession of the petitioners, there is no recovery of contraband of commercial quantity. In view of the above, this Court is inclined to grant bail to the petitioners with certain conditions.”*

6. Reasons stated by this Court cited supra is squarely applicable to the case of the petitioner herein, hence this Court is inclined to grant bail to the petitioner with certain conditions.

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, each for a like sum to the satisfaction of the ***learned II Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai***, and on further conditions that:-



WEB COPY

[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 learned II Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai daily at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation by the respondent police ;**

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

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

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the 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)AIR SCW



5560];

[f] If the accused thereafter absconds, a fresh FIR can

WEB COPY be registered under Section 269 B.N.S.

04.12.2025

rna

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 II Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai.
- 2.The Inspector of Police,
C-5 Kothavalchavadi Police Station,
Chennai.
- 3.The Superintendent of Prison,
Central Prison, Puzhal-II, Chennai.



4. The Public Prosecutor,
High Court, Madras.

WEB COPY

Crl.O.P.No.3255



K. RAJASEKAR, J.

rna



WEB COPY

Crl.O.P.No.32553



Crl.O.P.No.32553 of 2025

04.12.2025