

CRL OP(MD) Nos. 9360 & 12514 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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(Criminal Jurisdiction)

Reserved on : 06.08.2025

Pronounced on : 16.09.2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD).Nos.9360 & 12514 of 2025

Alex,
S/o.Mahalingam, : Petitioner/Sole Accused
(CRL OP(MD)No.9360 of 2025)

Alex,
S/o.Mahalingam, : Petitioner/A6
(CRL OP(MD)No.12514 of 2025)

Vs

State rep.by the Union of India,
The Intelligence Officer,
Narcotics Control Bureau,
Chennai.
NCB.F.No.48/01/08/2025/NCB/MDS
.. Respondent/Complainant
(CRL OP(MD)No.9360 of 2025)

State rep.by the Union of India,
The Intelligence Officer,
Narcotics Control Bureau,
Chennai.
NCB.F.No.48/01/07/2025/NCB/MDS
.. Respondent/Complainant
(CRL OP(MD)No.12514 of 2025)

(in both petitions)

For Petitioner : Mr.Sricharan Rangarajan,
Senior Counsel,
for Mr.V.Johnson Yuvaraj,
Advocate.



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(in both petitions)

For Respondent : Mr.C.Arulvadivel @ Sekar,
Special Government Pleader

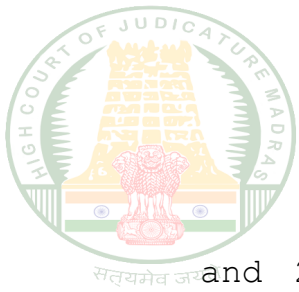
PETITIONS FOR BAIL Under Sec.483 of BNSS

COMMON PRAYER:- For Bail in NCB.F.No.48/01/08/2025/
NCB/MDS and NCB.F.No.48/01/07/2025/NCB/MDS on the file
of the Respondent.

COMMON ORDER : This Court made the following common
order :-

The petitioner/Sole Accused in Crl.OP(MD)No.9360
of 2025, who was arrested and remanded to judicial
custody on 13.04.2025 for the offences punishable
under Section 8(c) r/w 22(c), 28 and 29 of NDPS Act in
NCB.F.No.48/01/08/2025/NCB/MDS on the file of the
respondent police, seeks bail.

2. The petitioner/A6 in Crl.OP(MD)No.12514 of
2025, who was arrested by P.T.Warrant and remanded to
judicial custody on 29.04.2025 for the offences
punishable under Section 8(c)r/w20(b)(ii)(c), 27(A), 28



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and 29 of NDPS Act in NCB.F.No.48/01/07/2025/NCB/MDS
WEB COPY on the file of the respondent police seeks bail.

3. The case of the prosecution in Crl.O.P(MD)No. 9360 of 2025 is that on 13.04.2025, based on secret information, the respondent police conducted an inspection at Pudukkottai to Madurai Road, Melvilakudi opp to Bharathi Nagar. At that time, they have found that the petitioner was in possession of 950 gms white colour crystalline material (Amphetamine). Hence, the complaint.

4. The case of the prosecution in Crl.O.P(MD)No. 12514 of 2025 is that on 12.03.2025 the respondent got secret information that huge quantity of ganja was going to be illegally transported from parking area of Hotel Kasi Inn, Thilagar 2nd street, Nagai Bypass road, Thiruvarur, the respondent police made search of the vehicles/cars bearing registration number TS 08 HM 7373, TS 33 H 0549 and TN 06 T 3984 wherein five named accused found with possession of 445 kgs brownish green colour dry leaves. The five named accused were



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arrested along with 445 Kg of ganja. A5 gave a confession as if the petitioner herein used to receive on regular basis. Since the petitioner is in judicial custody in connection with another case for possession of white colour crystalline material, this petitioner was arrested in this case also on PT warrant. Hence, this petitioner is arrayed as accused in this case also.

5. The learned counsel for the petitioner vehemently contended that the petitioner and his father were elected as Union Councilor and President of Vilundhamavadi Panchayat and because of political motive the petitioner and his father were falsely implicated in several cases. It is further contended by the learned counsel that one case was quashed, in one case as the petitioner was arrested without informing his arrest to relatives he was released on bail and in another case, he was granted anticipatory bail by this Court.

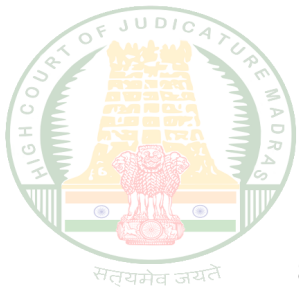


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6. The learned counsel for the petitioner also submitted that a confession of co-accused will not be a reason for implication of another accused and quashed the charge against him and produced a copy of order, dated 27.03.2025, passed by this Court in Crl.O.P(MD)No.22599 of 2024. The learned counsel further argued that due to political motive, the petitioner and his family members have been falsely implicated in several cases by the concerned police and obtained bail in all previous cases. To show these, the petitioner filed dates and events from the year 2020.

7. It is further vehemently contended that to substantiate the place of travel at the alleged time and date, the petitioner's mother filed W.P.(MD) No. 11133 of 2025 before of this court, in spite of order passed directing the concerned authority of Palaya Gandharvakotai Toll Plaza to furnish CCTV footage, it was not furnished and the respondent police managed to seize prior to furnishing to the petitioner, which itself shows that the present case is false case.

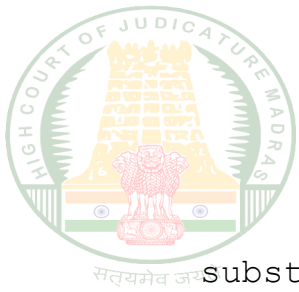


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8. Per contra, the learned Special Public Prosecutor for NCB Cases appearing for the respondent strongly contested and argued that the petitioner and his father are selling narcotic substances and by influencing their political status, they have managed several materials in their favour by way of CCTV footage etc., The petitioner prima facie arrested with a commercial quantity of 950 grams of Amphetamine and prior intimation was given to his family member before his arrest.

9. It is further submitted that since the petitioner is politically influential person, on following legal formalities, the respondent police seized the alleged footage in the presence of VAO and other independent witnesses for investigation in order to ascertain any other persons who accompanied, even prior to passing of order of writ court, the respondent neither aware of writ order nor acted to defeat the order. It is further argued that the respondent collected CDR details of the mobile phone of the petitioner, which would prima facie



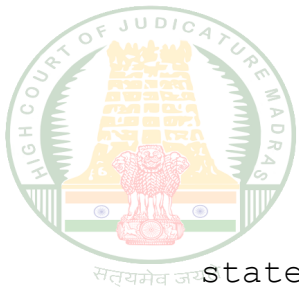
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substantiate the time and date and the tower of phone matches the presence of the petitioner. The learned counsel further argued that the petitioner was arrested red handed with the possession of commercial quantity of Amphetamine and he also has number of previous cases of this nature and the petitioner is not entitled for bail as per the provisions of Section 37 of the NDPS Act.

10. Heard the arguments of the learned counsel for the petitioner and the learned Special Public Prosecutor appearing for the respondent Police and perused the available records.

11. It is seen from the records that it is alleged that the petitioner was in possession of 950 gms of white colour crystalline material and on 13.04.2025, the petitioner was arrested at Melvilakudi opposite to Bharathi Nagar, Pudukkottai to Madurai Road. It is further alleged that one accused Thirupati Venkatasiva Reddy was arrested on 12.03.2025 as he was in possession of 445 kg ganja and upon confession



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statement of one accused namely Thirupati Venkatasiva Reddy, the petitioner has been implicated in another case that the petitioner used to receive ganja from him through one Raju, so the petitioner was formally arrested in that case also. It is the definite case of the petitioner that the place of arrest is utter false, in fact, he was travelling from Nagapattinam to Pudukkottai on 13.04.2025 at Palaya Gandharvakotai Toll Plaza between 4.00 p.m. and 6.00 p.m., but the respondent police stated the arrest place in another place, so it is revealed that the case is foisted against him.

12. On perusal of records in this case, the petitioner has not denied that he has previous case of this alleged nature of crime. The Hon'ble Supreme Court held in a catena of orders relating to bail matters under the NDPS Act that

"no person accused of an offence involving commercial quantity shall be released on bail unless the twin conditions laid down therein are satisfied, namely, (i) the public



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prosecutor has been given an opportunity to oppose the bail application; and (ii) the court is satisfied that there are reasonable grounds for believing that he is not guilty of such an offence and that he is not likely to commit any such offence while on bail. "

13. Moreover, while considering bail plea in case of NDPS Act cases, the Hon'ble Supreme Court held in catena of verdicts that as per provisions of Section 37 of the NDPS Act, the Court would have to record a satisfaction that there are grounds for believing that the accused is not guilty of the offence alleged and that he is not likely to commit any offence while on bail.

14. The provision of Section 37 of the NDPS Act is as follows:-

"37. Offences to be cognizable and non bailable.-(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974),-

(a) every offence punishable under this Act shall be cognizable;



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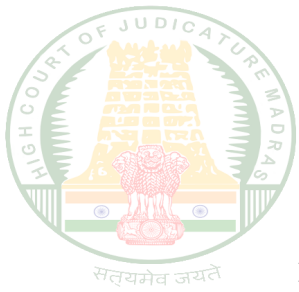
(b) no person accused of an offence punishable for [offences under Section 19 or Section 24 or Section 27A and also for offences involving commercial quantity] shall be released on bail or on his own bond unless—

(i) the Public Prosecutor has been given an opportunity to oppose the application for such release, and

(ii) where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

(2) The limitations on granting of bail specified in clause (b) of sub section (1) are in addition to the limitations under the Code of Criminal Procedure, 1973 (2 of 1974), or any other law for the time being in force on granting of bail]"

15. The Hon'ble Supreme Court in its order reported in **2024 INSC 114, S.L.P. CrI. No. 8137 of 2022 (State vs. B.Ramu)**, decided on **12.02.2024**, has also held that in case of recovery of such a huge quantity of narcotic substance, the Courts should be slow in granting even regular bail to the accused.

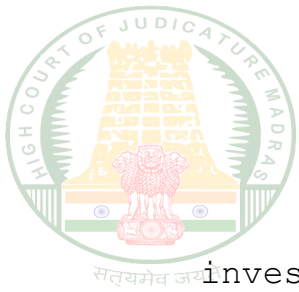


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16. In this case, the petitioner states that he has been arrested on the spot for possession of 950 gms of Amphetamine and also implicated in another case of receiving ganja for sale in the usual manner on the confession statement of co-accused. The petitioner is also having 9 previous cases. Therefore, it is on record that the petitioner has been involved in similar crimes in the past and that several cases are pending against him. The Hon'ble Supreme Court in the Rattan Mallick case held that the absence of possession of the contraband on the person of the accused does not absolve it of the level of scrutiny required under Section 37(1)(b)(ii) of the NDPS Act.

17. The case on hand is at the investigation stage. So, all the arguments of the petitioner could be decided by the trial Court only after adducing evidences and it would be inappropriate to discuss the same in depth at this stage because it is likely to influence the trial of the accused. But, from the perusal of the evidences, collected during the



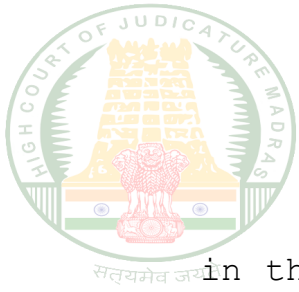
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investigation so far, *prima facie*, the involvement of the accused in the present case cannot be brushed aside at this stage. No reason is found to falsely implicate the petitioner/accused.

18. In Criminal Appeal Nos). **154-157 of 2020** in the case of **State of Kerala Vs. Rajesh and Others**, the Hon'ble Supreme Court has held on 24.01.2020 that the expression "reasonable grounds" means something more than *prima-facie* grounds, and (ii) that the person is not likely to commit any offence while on bail. It is the mandate of the legislature which is required to be followed. To check the menace of dangerous drugs and psychotropic substances flooding the market, the Parliament has provided that the person accused of the offences under the Act should not be released on bail during the trial unless the mandatory conditions provided under Section 37 of the Act, 1985, are satisfied.

19. It is seen from available records that the petitioner-accused has been involved in similar crimes



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in the past and that several cases are pending against him. The respondent police also collected CDR reports of petitioner's mobile phone with co-accused's mobile phone. These are to be examined by the Forensic Science Lab and other experts. A ratio decidendi of the judgment of the Hon'ble Apex Court in **Anil Kumar Yadav Vs. State (N.C.T.) of Delhi and another, 2018 (1) CCSC 117** is that in serious crimes, the mere fact that the accused is in custody for more than one year may not be a relevant consideration to release the accused on bail. In this case, the petitioner is in custody only from 13.04.2025. It is settled position of law that each and every case has to be dealt with the available records in each case.

20. In **Criminal Appeal No(s).154-157 of 2020 (Supra)** the Hon'ble Supreme Court has held that liberal approach in the matter of bail under the NDPS Act, is uncalled for. Therefore, it is quite clear that an order of bail cannot be granted in an arbitrary or fanciful manner. The co-accused/A1 gave confession about the involvement of the petitioner,



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who is none other than his father, in the alleged crime. So, there is no reason is found to falsely implicate the petitioner/accused. Therefore, there is no good ground to release the petitioner/accused on bail at this stage. All the contentions raised by the learned counsel for the petitioner pertain to the merits of the case and the same cannot be considered while considering the application for grant of bail. Therefore, considering the above facts and circumstances of the case and the gravity of the offence, this Court is not inclined to grant bail at this stage.

21. In the result, these Criminal Original Petitions are dismissed.

16.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1. The Intelligence Officer,
Narcotics Control Bureau,
Chennai.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.VADAMALAI, J.

das

Pre - Delivery Order made in
CRL OP(MD) .Nos.9360 & 12514 of 2025

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