



Crl.O.P(MD).No.12186 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Reserved on : 20.08.2025

Pronounced on : 15.09.2025

PRESENT

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Crl.O.P(MD).No.12186 of 2025

Sakthivel
S/o.Rajkumar

...Petitioner/Sole Accused

Vs.

State rep. by
The Inspector of Police,
Kottar Police Station,
Kanniyakumari District.
(In Crime No.253 of 2025)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail in Crime No.253 of 2025 on the file of the respondent police.

For Petitioner : Mr.T.Balachandran

For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)



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ORDER

The petitioner seeks bail for the alleged offences U/s.8(c), 22(c) and 25 of the NDPS Act in a case registered in Crime No.253 of 2025 on the file of the respondent police.

2. The case of the prosecution is that on secret information that there was transport of narcotic substances, on 10.06.2025 at 8.00 a.m. the defacto complainant/Sub Inspector of Police of respondent police station stopped the petitioner, who came with his two wheeler bearing registration number TN 72 BW 0463 and on interception it was found that he was in illegal possession of 12 grams MDMA & 0.50 gram of LSD Stamp without any license and cash Rs.12,000/-, which were found beneath the seat and the same were for sale. The respondent police arrested him and also seized narcotic substances, cash and the vehicle and sent him to judicial custody.

3. The learned counsel for the petitioner has submitted that the petitioner is a law college student and studying at Central Law College, Salem, and he came to his residence for holidays. While being so, there was a wordy quarrel between the police officials and the petitioner. Therefore, the special team police officials taken the petitioner to the police station on 09.06.2025 at about 04.28 p.m. i.e., one day prior to the occurrence. After knowing the same, the petitioner's mother searched



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his son^x at police station. But she could not able to found him. Therefore, on 09.06.2025 the petitioner's mother called to 112 police helpline and told that his son was kidnapped. One police constable named Rajeshkumar from his mobile number 6374547905 contacted her mother and replied that the petitioner was under police enquiry and after completing the enquiry, the petitioner would be released. But, on the next day, 10.06.2025, the petitioner was arrested and falsely implicated in this case, as if the petitioner was in possession of narcotic substance, at 8.00 a.m. on 10.06.2025. The petitioner produced the call details of her mother to the helpline number 112 on 09.06.2025. The petitioner is a student and there is no recovery from the petitioner. He has no previous case. He is ready to abide any condition imposed by this Court. The learned counsel further submitted that recently the Hon'ble Supreme Court acquitted an accused of this nature in the case of Simarnjit Singh / v/ State of Punjab in Crl.A.No.1443 of 2023. So, the petitioner may be granted bail.

4. The learned Government Advocate (Crl.side) for the respondent filed a counter and objected the bail. The petitioner is the sole accused and he was arrested red handed with possession of commercial quantity of 12 grams of MDMA and 0.50 grams LSD stamp. The petitioner gave a confession statement that he purchased the same from unknown person and wanted to sell it at Salem. The investigation further revealed that he took the two wheeler bearing registration TN 72 BW 0463 on rent



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from one Vignesh for Rs.400/- per day. He further submitted that the investigation is pending. However, he fairly concedes that the petitioner is not having any previous bad antecedents and no previous case is pending.

5. Heard and perused the available records. It is seen from the records that the petitioner is the sole accused. The prosecution alleged that the petitioner was arrested with possession of commercial quantity of 12 grams MDMA and 0.50 grams LSD stamp, cash Rs.12,000/- beneath the seat of a two wheeler. The learned counsel for the petitioner submits that the petitioner is law college student and studying at Central Law College, Salem. When he came to his hometown, he was not available, so on 09.06.2025, her mother called the police helpline number 112 as his son was kidnapped, the police replied that her son was under enquiry and he would be released on the next day. On the petitioner's side, phone call details on 09.06.2025 are also produced to substantiate the same. It is further submitted that the respondent put up false case as if the petitioner was in possession of narcotic substance on 10.06.2025. The petitioner is in custody from 10.06.2025. He is a law college student for the academic years 2020 – 2025.

6. On perusal of the judgment relied on by the petitioner's side, the seizure and sample were not taken as per provisions of 52(A) of the NDPS Act and so, the appellant therein was acquitted. This case is pending at FIR stage. However, there is



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no prima facie material placed by the investigating agency that the sample was recovered in the presence of Magistrate and certifying the correctness of seizure. The case is pending for investigation and the petitioner is in custody from 10.06.2025. Though the petitioner is the sole accused and is in custody from 10.06.2025, the respondent states that the investigation is pending. So the commencing of trial would take further time for disposal after filing of final report and whether the petitioner is involved in possession of narcotic substance would be decided only after adducing evidences, since the petitioner's mother claims that she called police for help even the prior day before the alleged arrest by producing phone call details. The Hon'ble Supreme Court in its order in Crl.A.No.4905 of 2024, dated 29.11.2024, has granted anticipatory bail to a young person aged 18 years who is alleged to have involved in a case registered under the NDPS Act on the ground that there are no other bad antecedents and no recovery from him. The petitioner has no previous case and the same is also not denied by the respondent. There is no prima facie record on the respondent's side that the petitioner would commit the same nature of offence. The petitioner has satisfied the conditions U/s.37 of the NDPS Act. Therefore, in the above circumstances and considering the period of incarceration, this Court is inclined to grant bail to the petitioner with condition.



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7. Accordingly, the petitioner is ordered to be released on bail on 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 Principal Special Court for Trial of NDPS Act Cases, Madurai , and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

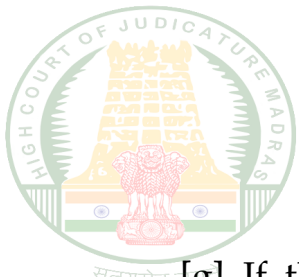
[b] The petitioner shall furnish his residential address and contact number to the Principal Special Court for Trial of NDPS Act Cases, Madurai. If the petitioner changes his residential address, he shall report the same to the Principal Special Court for Trial of NDPS Act Cases, Madurai.

[c] The petitioner shall appear and sign before the respondent police daily at 10.00 a.m. until further orders;

[d] the petitioner shall not abscond either during investigation or trial.

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

[f] 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];



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[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

sd/-
15/09/2025

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Sub-Assistant Registrar (C.S.-I/ II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vsd
To

- 1.The Principal Special Judge for Trial of NDPS Act Cases,
Madurai.
- 2.The Superintendent, District Prison, Nagercoil.
- 3.The Inspector of Police,
Kottar Police Station, Kanniyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+2 CC to M/s.K.SATHISH KUMAR, Advocate (SR-10062 & 10107 [I] dated
15/09/2025)



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ORDER

IN

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Date :15/09/2025

PS/SAR.15.09.2025 8P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023