



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2026

CORAM

THE HONOURABLE MR JUSTICE K.RAJASEKAR

Crl.O.P.Nos.853, 1509 and 4141 of 2026

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| 1.Anandh @ Koli Babu-A4 | ...Petitioner in Crl.O.P.No. 853 of 2026 |
| 2.Periyasami-A2 | ...Petitioner in Crl.O.P.No. 1509 of 2026 |
| 3.Dhanachezian-A1 | ...Petitioner in Crl.O.P.No.4141 of 2026 |

Versus

The State represented by
The Inspector of Police
K-10, Koyembedu Police Station
Chennai,
Cr.No. 267 of 2025.

... Respondent in all three petitions

Common Prayer: Criminal Original Petitions filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioners on bail in Crime No. 267 of 2025 pending on the file of II Additional Special Court for Exclusive Trial of Cases under NDPS Act, 1985.

For Petitioners

[in Crl.O.Ps. 853 & 1509 of 2026] : Mr.M.Soundar Vijay Arul Ram

For Petitioner

[in Crl.O.P.No. 4141 of 2026] : Mr.D.Padmanabhan

For Respondent

[in all three petitions] : Dr.C.E.Pratap,
Government Advocate, (Crl. Side)



COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody for the offences punishable under Sections 8(c), 29(1) of NDPS Act, 1985 in Crime No.267 of 2025 have been registered on the file of II Additional Special Court for Exclusive Trial of Cases under NDPS Act, 1985, seek bail.

2. The case of the prosecution is that on 18.06.2025 at about 05.00 hours, when Tr.P.Dharmaraj, the Sub Inspector of Police, was in station on duty at that time, he received information about the illegal transport of Narcotic Substances. After receiving information, he went along with his police team to the scene of occurrence. On seeing the police team, the suspect persons were tried to escape from that place, the police team intercepted one accused, namely Dhanacheziyan and conducted search and seizure of 51 grams of Methamphetamine in the presence of witnesses and A1 was arrested and recorded his statement. The statement of A1, revealed that he colluded with other accused namely Periyasamy/A2, Narasimman/A3 and Anandh @ Kollibabu/A4 bought the above contraband from one unknown person at Arakkonam and selling the same for their personal gain. Accordingly confession statement recorded from A1, the other accused in this case were arrested and remanded to judicial custody.



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3. The learned counsel for the petitioner/A1 submitted that though it is alleged that 51 grams Methamphetamine was recovered from the petitioner, there is no material evidence produced to show how the seized contraband was transferred from the V Metropolitan Magistrate Court, Egmore, and where it was originally produced at the time of remand, to the trial Court for NDPS Cases. He further submitted that though it was stated that 5 grams of Methamphetamine samples were taken, Forensic lab report reveals that the seized contraband was not properly sent for analysis to determine whether the seized contraband was sent to the forensic lab and examined or not. He further submitted that there was no material produced to show that contraband was seized after completion of mandatory provisions. Hence he prayed to grant bail to the petitioners.

4. The learned Counsel for the petitioner/A2 submitted that at the time of registration of the FIR, this petitioner was not at all present and he has been falsely implicated in this case, and he has appeared before the learned Metropolitan Magistrate on the date of occurrence and he subsequently appeared before other Courts in connection with other pending cases. He



has also produced a copy of the case details of the E-Court Status to show that he had been regularly appearing before the concerned Courts for the hearings.

5. Similarly, the learned Counsel for the petitioner/A4 submitted that though it is alleged that the petitioner had also participated in the possession and transportation of the Methamphetamine, there is no material produced to show that he was also present at the time of the occurrence, and except for the confession statement, there is no material produced to substantiate the same. Further, though it seems that the police officers were present at the time of occurrence, they have not come forward to identify the petitioner herein.

6. Per contra, Dr.C.E.Pratap, Government Advocate, (Criminal Side) appearing for the respondent, while opposing the bail to the petitioners, reiterated the prosecution case and submitted that the case involves commercial quantity and confession statements of Accused No.1 revealed the names of others. He further submitted that the investigation is concluded and the final report is filed, and there are material witnesses to speak about the presence of A1 to A4 at the time of conducting the search and seizure,



and since the contraband seized is 51 grams of Methamphetamine, which is a commercial quantity, Section 37 of the NDPS Act, 1985, is applicable to the facts of the present case. He further submitted that the allegations of false implications made by the petitioners are not substantiated and hence, opposed to grant bail to the petitioners herein.

7.I have heard the submissions made on both sides and perused the records.

8.Admittedly, in this case, final report has been filed. On perusal of final report, reveals that the prosecution come with the case; on 18.6.2025, at about 6.30 a.m., the police party, based on prior information, intercepted the accused A1 to A4. A1 alone apprehended and others absconded from the place of occurrence. After completion of mandatory provisions, a search and seizure was effected, and 51 grams of Methamphetamine were seized at about 7.00 a.m. Based on the statement recorded from A1, the other co-accused were arrested, and 5 grams of Methamphetamine were recovered from A3. Thereafter, they were remanded to judicial custody. Further, after completion of investigation, the prosecution listed 12 witnesses, including seizure witnesses 1 to 3, to speak about the facts regarding the search and



seizure conducted. Witness No.2 to depose about the arrest of A4. Similarly, witnesses L.W.4 and 5 are also to speak about the arrest of A2-Periyasami. L.W.6 and 7 are listed to speak about the search and seizure conducted and the recovery of the contraband. L.W.8 is to be examined for the purpose of arrest of A4 in this case. L.W.9, L.W.10 and L.W.11 are witnesses to speak about handing over inventory in the presence of the Magistrate and also subjecting it to forensic examination. L.W.12 is the Investigating Officer who conducted the search and seizure and filed the final report.

9.Though the listed witnesses made statement about the arrival of A1 to A4 at the place of occurrence, they have not stated anything about the names of the A2 to A4 and only stated the arrest of A1. They came to know about A2-A4's involvement only from the statement of A1. Other witnesses cited to speak about the arrest of A2-A4 have not stated anything about identification of A2 to A4 at the time of recovery of contraband from A1. The prosecution has relied only on A1's confession statement to prosecute this case. It is settled law that a confession statement of a co-accused recorded under Section 67 of NDPS Act, 1985 cannot be treated as substantive evidence unless it leads to discovery of a fact or recovery of contraband.



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10. Though it is stated that the petitioners have previous cases reported against them, they are not NDPS Cases, hence this Court is of the view that Accused A2 and A4 satisfied the twin conditions incorporated under Section 37 of NDPS Act and they are entitled to bail.

11. As far as A1 is concerned, it is a well settled law that raising some discrepancies or placing reliance on procedures in taking samples and delay in sending them alone is not valid ground to seek bail, since those discrepancies are all subject to the evidence let in by the forensic experts and police officer handling the same, during the trial. Hence, these points could not be considered at the pre-trial stage, without examining witnesses. Hence, this Court is of the view that the petitioner/A1 has not made out a case for satisfying twin conditions of Section 37 of NDPS Act. Accordingly, in this case, the petition in CrI.O.P.No.4141 of 2026 shall stands dismissed.

11. Accordingly, the petitioners, Periyasami and Anandh @ Koli Babu (A2 and A4) are ordered to be released on bail on their executing a bond for a sum of **Rs.20,000/- each (Rupees Twenty Thousand only)** with **two sureties**, 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:

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[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] that the petitioners/A2 and A4 shall report before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation.

[c] 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]**;

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

19.02.2026

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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. II Additional Special Court for
Exclusive Trial of Cases under NDPS
Act, Chennai.

2. The Public Prosecutor
High Court of Madras.

3. The Inspector of Police
K-10, Koyembedu Police Station
Chennai,
Cr.No. 267 of 2025.

4. The Superintendent of Central
Prison, Puzhal. Chennai.



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K.RAJASEKAR J.

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