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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2026

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THE HONOURABLE Mr. JUSTICE C.KUMARAPPAN

CrI.O.P.No.4140 of 2026

Dhanasekaran

... Petitioner

Vs.

The Union of India,
Represented by the Intelligence Officer,
Directorate of Revenue Intelligence,
Chennai Zonal Unit, 27, G.N.Chetty Road,
T.Nagar, Chennai – 600017.
(F.No.DRI/CSU/VIII/48/ENQ-1/INT-27/2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 439 of Cr.P.C r/w 483 of BNSS., to enlarge the petitioner/5th accused on bail in C.C.No.165 of 2025 pending on the file of the learned Principal Special Court under EC & NDPS Act, Chennai.

For Petitioner : Mr.G.Prabhakaran

For Respondent : Mr.N.P.Kumar,
Special Public Prosecutor
for Central Government



ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.08.2024 for the offences punishable under Sections 8(c), 22(c), 25, 25A, 27, 28, 29 and 30 of the NDPS Act in C.C.No.165 of 2025 on the file of the learned Principal Special Court for EC and NDPS Act Cases, Chennai, in connection with R.R.No.44 of 2024 in F.No.DRI/CZU/VIII/48/ENQ-1/INT-27/2024 on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner is arrayed as A5 in this case. It is alleged that while A4 to A6 were transporting 10 kgs of Methamphetamine from Chennai to Madurai in a car, the respondent officials intercepted the said car and recovered the contraband from a secret chamber in the vehicle. Hence, the petitioner, along with A4 and A6, was arrested. Based on the statements recorded from the other accused, A1 and A3 were also arrested and they are also in custody.

3. The learned counsel for the petitioner would submit that there are six accused in the present case and the petitioner is arrayed as A5. It is his further submission that, according to the prosecution, on 29.08.2024 at about 8.30 p.m., the respondent officials intercepted a car belonging to A6, in which A4 and the



present petitioner were also travelling. On search of the vehicle, the respondent officials recovered 10 kgs of Methamphetamine from a secret chamber. Thereafter, the petitioner was arrested on 31.08.2024. It is the specific submission of the learned counsel for the petitioner that the petitioner is not the owner of the car and that A6 alone is the owner of the car. It is further submitted that there are no allegations or averments in the complaint as to the petitioner having knowledge of the existence of the secret chamber in the car.

4. It is the further contention of the learned counsel for the petitioner that it is not even the prosecution case that the petitioner was part of the team which purchased the contraband. According to the prosecution, A4 and A6 purchased the contraband from A3. The main contention put forth by the learned counsel for the petitioner is that, though the petitioner was intercepted in the car while travelling along with A4 and A6 on 29.08.2024 at about 8.30 p.m., he was remanded to judicial custody only after a period exceeding 24 hours. Therefore, according to him, the very custody of the petitioner is illegal. In this connection, the learned counsel for the petitioner relied upon the following judgments:-

(i) ***Directorate of Enforcement Vs. Subhash Sharma***, reported in **2025 SCC OnLine SC 240**;

(ii) ***Biswajit Mandal Vs. Inspector, Narcotic Control Bureau***, reported in **2025 SCC OnLine Ker 6017**;



(iii) *Dhanraj Aswani Vs. Amar S. Mulchandani and another*, reported in

(2024) 10 SCC 336; and

(iv) *T. Ramadevi Vs. State of Telangana*, reported in 2024 SCC OnLine TS 4288.

5. The said contention was stoutly opposed by the learned Special Public Prosecutor appearing for the respondent, who would contend that the mere interception of the vehicle at 8.30 p.m. on 29.08.2024 and the direction to accompany the officers for the purpose of search and investigation would not amount to arrest. It is the further submission of the learned Special Public Prosecutor that the petitioner's arrest was effected only on 31.08.2024 and, in the meanwhile, the petitioner was examined after issuance of summons under Section 43 of the BNSS. Hence, he prayed for dismissal of the present petition.

6. I have given my anxious consideration to either side submissions.

7. It is not in dispute that the vehicle in which the petitioner was travelling was intercepted on 29.08.2024 and that the petitioner was subsequently remanded to judicial custody on 31.08.2024. Therefore, it is an admitted fact that the time between the interception of the vehicle in which the



petitioner was travelling and the time of remand exceeds 24 hours. The point that arises for our consideration is whether the interception of the vehicle for the purpose of search, and the direction to the petitioner to accompany the officers for the purpose of search and investigation, would amount to arrest.

8. In this case, though the petitioner heavily relied upon the judgment of the Hon'ble Supreme Court in *Subhash Sharma's case* (cited supra), in the reported case, the appellant was issued with a Look Out Circular, only on that basis, he was detained at IGI Airport, and was thereafter remanded after 24 hours. The facts in the present case are distinguishable from the reported case. The Hon'ble Supreme Court held that the very Look Out Circular itself conferred power to detain and therefore, the period of 24 hours had to be reckoned from the time of detention.

9. Similarly, the petitioner has also relied upon the judgment in *Dhanraj Aswani's case* (cited supra), wherein the Hon'ble Supreme Court dealt with the issue relating to anticipatory bail of an arrested person and observed that the person sought to be arrested must be made aware that he is under compulsion, and as a result of such communication, the said person should submit to the compulsion can be said to have been consummated the arrest.



10. However, in the present case, the factual position is altogether different. Here, at the time when the petitioner accompanied the officials, no formal notice or communication was made to him informing that he was under arrest, and therefore, the same cannot be termed as “detention” in the sense understood in *Subhash Sharma’s case* (cited supra). Further, before arrest the Police Officer must have reason to believe that such person has committed the offence. Here, the respondent appears to have initially proceeded to ascertain to find out if there is any reason to believe, whether the petitioner had any involvement in the offence or not, and only after completion of such enquiry, and upon being satisfied about the petitioner’s involvement in the offence, effected arrest on 31.08.2024.

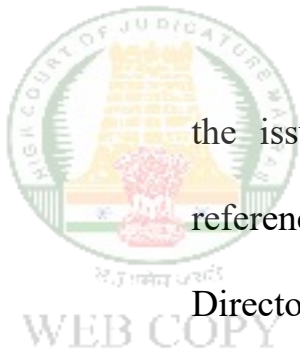
11. At this juncture, it is also relevant to refer to the judgment of the Division Bench of the High Court of Telangana in *T. Ramadevi’s case* (cited supra), wherein the Division Bench held that Section 57 of Cr.P.C. deals with detention and that the period of 24 hours has to be calculated from the date and time of detention, and not from the subsequent date and time of arrest as recorded by the prosecuting agency. However, the said ruling is not applicable to the present case, since the petitioner has not made out any factual foundation



to establish any detention, except the fact that he had accompanied respondent officials pursuant to their instructions for the purpose of further legal formalities. It is also relevant to refer that the summons were issued to the petitioner and, upon interrogation pursuant to the said summons, the respondent authorities were satisfied about his involvement and thereafter effected arrest on 31.08.2024. The very fact that summons issued to the petitioner discloses the fact that, he was a free man till his arrest and he was not at all in detention.

12. Therefore, this Court is of the firm view that the rulings relied upon by the petitioner have no application to the facts of the present case. Further, the quantity involved is 10 kgs of Methamphetamine, which is a commercial quantity. In order to overcome the rigour under Section 37 of the NDPS Act, there are no materials available before this Court. Even the submissions made by the learned counsel for the petitioner do not disclose any circumstance sufficient to overcome the said statutory embargo.

13. Though the learned counsel for the petitioner relied upon the remand application, the same only narrates the sequence of events and merely refers to the fact that the petitioner was taken to the office of the Directorate of Revenue Intelligence, Chennai, and thereafter, the very same remand report also refers to



the issuance of summons and the subsequent arrest. Therefore, the mere reference to the petitioner having been instructed to come to the office of the Directorate of Revenue Intelligence cannot, by itself, be construed as detention.

14. In the result, this Criminal Original Petition is dismissed.

16.04.2026

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To:

1. The Superintendent of Customs,
Union of India,
RSI-Air, New Custom House,
Meenambakkam, Chennai – 600027.
2. The Principal Special Court under EC & NDPS Act, Chennai.
3. The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN, J.

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