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CRL OP No. 5894 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 5894 of 2026

Manivannan S/o.Muthu,
R/o. 189, 2nd Street,
Sasthri Nagar, Vysarpadi,
Chennai - 39.

..Petitioner(s)

Vs

Union represented by:

The Intelligence Officer,
NCB, Chennai Zonal Unit,
Chennai - 600 017.
[R.R.No.48 of 2024]

..Respondent(s)

PRAYER: The Criminal Original Petition has been filed under Section 483 of B.N.S.S. praying to enlarge on bail in C.C. No.432 of 2025 in RR.No.48 of 2024 on the file of the Principal Special Judge Under EC and NDPS Act.

For Petitioner(s): M/S. K.Subburaj

For Respondent(s): MR. N.P. Kumar,
Special Public Prosecutor.

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.10.2024 for the alleged offences under Sections 8(c) read with Section 22(c), 23(c), 28 and 29 of NDPS Act in R.R. No.48 of 2024 on the file of the respondent police, seeks bail.



2. The *case of the prosecution* is that based on a specific information about the illegal trafficking of drugs, on 22.10.2024, when the respondent conducted raid near moolakadai Bus stop, they found the petitioner along with A1, in illegal possession of 1.8 kgs of Methamphetamine and hence the case.

3. The learned counsel for the petitioner would vehemently submit that the respondent police have not followed the mandatory provisions for search. According to the prosecution, it is mandatory upon the respondent to explain to the petitioner as to the search before the Magistrate or the Gazetted Officer and there is no statutory option of the petitioner being searched before the respondent officials, which option, by itself, is a clear violation of Section 50 of the NDPS Act. The learned counsel has also relied upon a recent judgment of the Hon'ble Supreme Court dated 16.03.2026 passed in **2026 INSC 240 in the State of Himachal Pradesh v. Surat Singh.**

4. The above said contention of the learned counsel for the petitioner has stoutly objected by the learned Special Public Prosecutor that the above judgment of the Hon'ble Supreme Court is related to the case after trial, but the present case is at the bail stage. It is the further submission of the learned Special Public Prosecutor that this objection would be effectively disposed of during the trial.



5. I have given anxious consideration to the submissions made by the learned counsel on either side.

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6. While looking at the judgment passed by the Hon'ble Supreme Court in **2026 INSC 240 in the State of Himachal Pradesh v. Surat Singh** relied upon by the learned counsel appearing for the petitioner, *it* is the case where the accused was arrested in the year 2013 and the trial was completed, which was also confirmed by the High Court, when the matter reached before the Hon'ble Supreme Court. The Hon'ble Supreme Court categorically held that *there is no third option to be given by the respondent so as to search by the authority concerned*. He has also relied upon Section 57 of the NDPS Act, wherein there is a following reference:

“Thereafter, NCB team along with witnesses offered our personal search to both the persons to which they politely denied”.

From the above narration, the learned counsel for the petitioner would submit that this third option, which is contrary to the above referred case. This Court is of the firm view that it is too pre-mature stage to go into such aspect while considering the bail application. Admittedly, this case is of a commercial quantity. Therefore, this Court is of the firm view that the above ground cannot be considered as a ground to overcome the rigors under Section 37 of the NDPS Act. Therefore, this petition has no merits and deserves to be dismissed.



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7. Accordingly, this Criminal Original Petition is **dismissed**.

20-04-2026

MJS

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 Public Prosecutor, High Court, Madras.
2. The Intelligence Officer, NCB, Chennai Zonal Unit, Chennai - 600 017.



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C.KUMARAPPAN, J.

MJS

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