



WEB COPY

CRL OP No. 7689 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-04-2026

CORAM

THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

CRL OP No. 7689 of 2026

1. Abdul Shareef
S/o.Abdul Salam,
Thandilam Home, Mannilthodika,
Mambad Post, Nilampur Taluk,
Mallapuram,
Kerala - 676 542.

Petitioner(s)

Vs

1. The State
Rep. by The Inspector of Police
Tambaram Police Station,
Chennai.
Crime No. 680/2024.

Respondent(s)

PRAYER

Criminal Original Petition filed under Section 439 of Cr.P.C r/w 483 of BNSS, praying to enlarge the petitioner/4th Accused on bail in Crime No.680/2024 on the file of the respondent police.

For Petitioner(s): Mr. S.Kasirajan

For Respondent(s): Mr.S.Vinoth Kumar,
Govt.Advocate (Crl. Side)



CRL OP No. 7689 of 2026

ORDER

WEB COPY

The petitioner, who was arrested and remanded to judicial custody on **23.12.2024** for the alleged offence **under Section 8(c), 22(c) and 29(1) of NDPS Act, 1985** in **Crime No.680 of 2024** on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 23.12.2024 at about 05:00 hours, based on a specific information regarding illicit transportation of Narcotic substances, the respondent team went near Maduravoyal Bypass and intercepted a car bearing Registration No.KA-03-MY-2093 in which the petitioner along with the other accused were travelling and that after complying all the mandatory provisions under the NDPS Act, search and seizure was effected, thereby the accused/ A1, A2, A3 and A4 were found in possession of 61.14 grams, 3.38 grams, 4.13 grams and 3.22 grams of Methamphetamine, respectively and that the total contraband involved in this case is 71.87 grams of Methamphetamine, which is commercial quantity.

3(a).The learned counsel for the petitioner would submit that there are about 4 accused in this case, and this petitioner is the 4th accused. It is the submission of the petitioner that he travelled along with one Sanoj Appichira



Valappil from Bangalore to Chennai and along with him there were two other persons and they have arrayed as A2 & A3. It is the contention of the petitioner that, according to the prosecution, there was a recovery of 61.14 grams of Methamphetamine from A1, 3.38 grams from A2, 4.13 grams of Methamphetamine from A3, and 3.22 grams of Methamphetamine from the petitioner/A4. The learned counsel would submit that the recovery is not from the Car, but from each individuals under a different search memo. It is in this background, he contended that, the petitioner should be accounted only for the recovery effected from him, which is only an intermediate quantity.

(b). It is also the further submission of the petitioner that the initial charge against the petitioner is only for consumption and that the search against the petitioner is subsequent to the registration of FIR. He would further submit that there are no proof to show the conspiracy and there are no records to show the money transaction between the accused and there are no scientific evidence to link all. He would further submit that an application has also been moved before the trial Court to preserve the tower location. He would further submit that though the alteration report was filed against the other accused for sale, as against him, no alteration report filed. The learned counsel would rely upon various judgments especially in ***Crl.OP.Nos.4755 of 2025 etc., batch [Badauru***



CRL OP No. 7689 of 2026

Shuhail Vs. State] dated 04.04.2025. Hence, prayed to grant bail to the petitioner.

4.The said contention was stoutly objected by the learned Government Advocate (Crl.Side) and would contend that from A1, 61.14 grams of Methamphetamine was recovered, which is a commercial quantity and that this petitioner was travelling along with A1 and from whom, there was also a recovery. Since all of them conspired and smuggled the contraband, the total recovery comes under commercial quantity, as such the same attracts the rigour under Section 37 of NDPS Act. He would further submit that through the confession of A1, this petitioner's involvement was disclosed. But, fairly submits that investigation was over and the charge sheet taken on file as C.C.No.338 of 2025. Hence, prayed to dismiss this petition.

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

6.The learned counsel for the petitioner would invite the attention of this Court by referring to search memo, wherein there is a reference that this petitioner was subjected to search, when he was consuming Methamphetamine. But, later on during arrest, a further reference as to the possession of contraband



CRL OP No. 7689 of 2026

for sale was referred to. For ready reference, this Court would like to extract the vernacular portion. In the **search memo**, it is referred as “Methamphetamine

என்னும் போதைபொருளை பயன்படுத்தும் போது உம்மை மடக்கி பிடித்தேன்”. In the **arrest memo**, it

is referred as “Methamphetamine என்னும் போதைபொருளை விற்பனைக்காக வைத்திருந்து

பயன்படுத்திய குற்றத்திற்காக”. Therefore, it is apparent that there is some addition.

Here, the contention of the petitioner is that if at all there was any violation of law, it should be only for the consumption of contraband and not for any sale.

7. Apart from that, it is not in serious dispute that the recovery from the petitioner is only 3.22 grams of Methamphetamine, which is an intermediate quantity and such recovery was between 11.10.A.M to 11.15.A.M on 23.12.2024. He would also submit that before the seizure takes place, he has been arrested at about 5.15.A.M. Even according to the FIR, the recovery from A1 was from 6.30.A.M to 6.45.A.M. and recovery from A2 was between 7.20.A.M and 8.00.A.M, the recovery from A3 was between 8.45.A.M and 9.30.A.M and recovery from this petitioner is as stated supra. Though there is an allegation in the confession statement of the petitioner that he possessed the contraband for the purpose of sale, it is the specific prosecution case that they have purchased the same from A1.



WEB COPY

8. However, while looking into the A1's confession, he stated that, he just handed over the contraband in a small packet to the other accused when they have started their trip to Chennai. As per the confession of A1, the possession of the present petitioner is not for any sale, but only on his instruction. Though it is too premature to go into all the minute details, admittedly, the petitioner has no previous case and that what was recovered from him is only the intermediate quantity and the recovery is through separate seizure mahazars.

9. In this connection, it is relevant to refer the judgment of this Court in *Crl.OP.No.4755 of 2025 etc., batch [cited supra]*, wherein taking into consideration of individual separate seizures from different accused, this Court has held that it cannot be construed as a joint possession of commercial quantity. Though the above case is distinguishable on the fact that the accused individually possessed only the intermediate quantity, still the ratio in the above case is, if the seizure is under different mahazars, that has to be counted individually and not jointly. Here, the recovery from this petitioner is only 3.22 grams of Methamphetamine. Besides, as stated supra, while looking into the search memo, at the time of search he was searched only for the allegation of consuming the contraband. But, during the arrest, the concept of sale came into existence.



10.Hence, taking into consideration of the totality of circumstances qua the initial search while the consumption of contraband, latter on modified in the arrest memo as for consumption and for sale, and upon the further ground that there were individual separate search and seizure mahazar and that the recovered quantity from the petitioner is only an intermediate quantity and that the petitioner has no previous case, this Court is inclined to enlarge the petitioner on bail subject to certain conditions.

11.Accordingly, the petitioner is ordered to be released on bail on his 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 **learned I Additional Special Judge, NDPS Court, Chennai**, and on further conditions that:

[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] the petitioner shall appear before the learned I Additional Special Judge, NDPS Court, Chennai, daily at 10.30 A.M. until further orders and no relaxation petition will be entertained for a period of 60 days;



CRL OP No. 7689 of 2026

WEB COPY

[c] the petitioner shall surrender his passport before the learned I Additional Special Judge, NDPS Court, Chennai and if the petitioner does not possess any passport, he shall file an affidavit regarding the same;

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

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

[f] 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]***;

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

11.This Criminal Original Petition is ordered accordingly.

09-04-2026

kmi



CRL OP No. 7689 of 2026

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 I Additional Special Judge, NDPS Court, Chennai
- 2.The Inspector of Police, Tambaram Police Station, Chennai
- 3.The Superintendent, Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor, High Court of Madras.



WEB COPY



CRL OP No. 7689 of 2026

C.KUMARAPPAN J.

kmi

CRL OP No.7689 of 2026

09-04-2026