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CRL OP No. 7408 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. 7408 of 2026**

Muhammed Ameen  
S/o.Abdul Azeez,  
Arakkal House,  
Kothaparamba Post, Ala,  
Kodungallur, Thrissur,  
Kerala-680668

..Petitioner(s)

Vs

**State represented by:**

The Inspector of Police,  
Guduvancherry PEW  
Kancheepuram  
[Cr. No. 290 of 2024]

..Respondent(s)

**PRAYER:** The Criminal Original Petition has been filed under Section 483 of B.N.S.S. praying to enlarge the petitioner / Accused on bail in CC.No.712 of 2025 on the file of Principal Special Court under EC and NDPS Act, Chennai.

|                    |                                                             |
|--------------------|-------------------------------------------------------------|
| For Petitioner(s): | M/S. Navaneeth.N.Nath                                       |
| For Respondent(s): | Mr. S. Vinoth Kumar,<br>Government Advocate (Criminal side) |

**ORDER**

The petitioner, who was arrested and remanded to judicial custody on 25.12.2024 for the alleged offences under Sections 8(c) read with Section 20(b) (ii)(A) and 22(c) of NDPS Act in Cr. No.290 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 narcotic substances near GST Road, Potheri Railway Station, when the respondent police conducted enquiry, they found the accused in illegal possession of 650 grams of Ganja and 15 LSD stamps weighing about 0.12 grams and hence the case.

3. The learned counsel for the petitioner would submit that in the present case, the accused was arrested on 25.12.2024 and recovery made from him was 650 grams of Ganja and 15 LSD Stamps weighing about 0.12. grams, which is admittedly a commercial quantity. The learned counsel would submit that the petitioner was not given grounds of arrest. In this regard, he has relied upon the judgment of *Mihir Rajesh Shah vs. State of Maharashtra reported in 2025 SCC OnLine SC 2356*. Apart from that, it is also the contention of the learned counsel appearing for the petitioner that he was not remanded to judicial custody within 24 hours.

4. The above said contention of the learned counsel for the petitioner was stoutly objected by the learned Government Advocate on the ground that the arrest of the accused was prior to the above said judgment and this Court in an order in *Sundar Rao vs. Union represented by the Intelligence Officer, NCB, Chennai Zonal Unit, Chennai* reported in *2026 MHC 1100* has elaborately dealt in respect of grounds of arrest jurisprudence and this Court held that the



requirement regarding mandatory compliance in furnishing the grounds of arrest would apply only prospectively from the date of the judgment in ***Mihir Rajesh Shah's case*** and, since the petitioner was arrested prior thereto, he will not derive any advantage on the ground of non-furnishing of the grounds of arrest. He would also submit that the petitioner has been remanded to judicial custody after the period of 24 hours.

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

6. As rightly contended by the learned Government Advocate, arrest of accused in this case was prior to the judgment of ***Mihir Rajesh*** and therefore, the ground of non-furnishing of grounds of arrest, which the petitioner relies, cannot be taken in the present case. Apart from that, though the learned counsel for the petitioner submitted that the petitioner was not remanded to judicial custody within 24 hours, there is no material to substantiate the said contention. Therefore, taking into consideration of the fact that there is no material to overcome the rigors under Section 37 of NDPS Act, this Court is not inclined to enlarge the petitioner on bail.



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

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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 Inspector of Police, Guduvancherry PEW, Kancheepuram.



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**C.KUMARAPPAN, J.**

**MJS**

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