



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 8733 of 2026

Krishna @ Varun
S/o Rajagopal,
No.29A, Veerapan Nayakar Street,
Arupukottai, Virudhunagar.

..Petitioner(s)

Vs

State represented by:

The Inspector of Police
Gummudipoondi Police Station,
Thiruvallur.
(Crime No.8 of 2026).

..Respondent(s)

PRAYER: This Criminal Original Petition has been filed under Section 483 of B.N.S.S. praying to enlarge the petitioner on Bail in FIR.No.08 of 2026 on the file of the Respondent Police.

For Petitioner(s): Mr. S.Nirmal Aditya

For Respondent(s): Mr.S.Yogaraja Sekar,
Government Advocate (Criminal side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.01.2026 for the alleged offences under Sections 8(c), 20(b)(ii)(A), 20(b)(ii)(B), 22(c) and 29(1) of NDPS Act in Crime No.8 of 2026 on the file of the respondent police, seeks bail.



2. The ***case of the prosecution*** is that based on a secret information, on 09.01.2026 at about 10.30 p.m., the respondent police found the accused persons with illegal possession of banned narcotic drugs. The respondent police recovered 60 grams of Methamphetamine from A1 and 4 kgs of Ganja from all the remaining accused respectively. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is A1, that according to the prosecution, 60 grams of Methamphetamine was recovered from the petitioner / A1 and hence he was arrested by the respondent police and he has been under incarceration since 10.01.2026. The learned counsel would further submit that grounds of arrest were not furnished to the accused and hence prays for grant of bail to the petitioner.

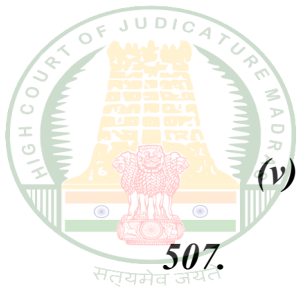
4. In support of his contention, the learned counsel appearing for the petitioner has relied upon the following judgments:

(i) Mihir Rajesh Shah v. State of Maharashtra and another reported in (2026) 1 SCC 500.

(ii) Muneer v. State of Karnataka reported in 2025 KHC 18473.

(iii) Yasar Arafath @ Mannadi Yaser v. The State in Crl. R.C. No.2485 of 2025.

(iv) Noushad v. State of Kerala reported in 2025 SCC Online Ker 5524.



(v) Phalman Budh Nagar v. State of NCT Delhi reported in 2026 DHC

(vi) Matheen Ahmedia v. The State in Crl. O.P. No.2660 of 2026.

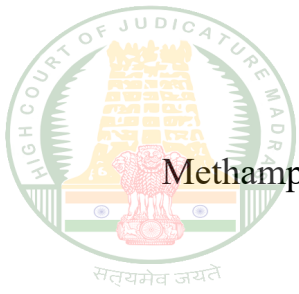
(vii) Ahique v. State of Kerala reported in 2026 KER 19267.

(viii) Dr. Rajendhra Rajan v. UOI and another in a criminal appeal arising out of SLP (Crl) No.3326 of 2026.

5. At this juncture, the learned Government Advocate (Criminal side) appearing for the respondent police would submit that the quantity of contraband involved in this case is a commercial quantity and hence opposed the bail application. However, he would fairly submit that there are no records to show the issuance of grounds of arrest to the petitioner.

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

7. From the fair submission made by the learned Government Advocate, there are no grounds of arrest in the CD file to prove the issuance of grounds of arrest to the petitioner. The very ground raised by the petitioner is of non-supply of grounds of arrest. Though the learned Government Advocate would fairly submit that there are no grounds of arrest available in the records, would contend that this is a case of commercial quantity, where 60 grams of



Methamphetamine was recovered from this petitioner.

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8. At this juncture, it is appropriate to refer the judgments viz., (i) *Mihir Rajesh Shah v. State of Maharashtra and another reported in (2026) 1 SCC 500*; (ii) *Muneer v. State of Karnataka reported in 2025 KHC 18473*; (iii) *Yasar Arafath @ Mannadi Yaser v. The State in Crl. R.C. No.2485 of 2025*; (iv) *Noushad v. State of Kerala reported in 2025 SCC Online Ker 5524*; (v) *Phalman Budh Nagar v. State of NCT Delhi reported in 2026 DHC 507*; (vi) *Matheen Ahmedia v. The State in Crl. O.P. No.2660 of 2026*; (vii) *Ahique v. State of Kerala reported in 2026 KER 19267*; and (viii) *Dr. Rajendhra Rajan v. UOI and another in a criminal appeal arising out of SLP (Crl) No.3326 of 2026*, wherein the Hon'ble Supreme Court is very categorical that notwithstanding the seriousness of the offences, if the constitutional right of knowing the grounds of arrest was not complied with, then the accused are entitled to have a bail. In this case, admittedly, no grounds of arrest were furnished to the petitioner. Therefore, this Court is of the firm view that this petitioner has to be enlarged on bail in accordance with the ratio of the Hon'ble Supreme Court mentioned herein above. However, it is made clear that mere enlargement of the accused in bail will not curtail the right of the prosecution to arrest the accused again after following due procedure and by furnishing grounds of arrest. Accordingly, this Court is inclined to enlarge the petitioner on bail, subject to the following stringent conditions:



9. 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 District Munsif-cum-Judicial Magistrate, Gummidipoondi** 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 and sign before the respondent police daily at 10.30 a.m. and 5.30 p.m. until further orders;

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

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

[e] 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]:

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

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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 District Munsif-cum-Judicial Magistrate, Gummidipoondi.
2. The Inspector of Police, Gummudipoondi Police Station, Thiruvallur.
3. The Superintendent of Police, Central Prison, Puzhal, Chennai.
4. The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN, J.

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