



WEB COPY



Crl.O.P.Nos.11386, 21371, 21373 and 21374 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-02-2026

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NOS.11386, 21371, 21373 and 21374 of 2025

Sanoj Appichira Valappil	... Petitioner in Crl.O.P.No.11386 of 2025/ A1
Rahees	... Petitioner in Crl.O.P.No.21371 of 2025/ A2
Subinsha	... Petitioner in Crl.O.P.No.21373 of 2025/ A3
Abdul Shareef	... Petitioner in Crl.O.P.No.21374 of 2025/ A4

Vs

The State Rep. By,
The Inspector of Police,
Tambaram Police Station,
Chennai.(Crime No.680 of 2024) ... Respondent/ Complainant

PRAYER : Criminal Original Petitions filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioners/accused in C.C.No.338 of 2025 on the file of the Hon'ble I Additional Special Court for EC & NDPS Act Cases at Chennai in connection with Crime No.680 of 2024.

For Petitioner in Crl.O.P.No.11386 of 2025 : Mr. S. Kasirajan

For Petitioners in Crl.O.P.Nos.21371

& 21373 of 2025

: Mr. M.G. Martin Manivannan
for Mr. K. Anandha Raja

For Petitioner in Crl.O.P.No.21374 of 2025 : Mr. G. Prabhakaran

For Respondent(s)

: Mr. A. Gopinath
Government Advocate (Crl. Side)



WEB COPY



Crl.O.P.Nos.11386, 21371, 21373 and 21374 of 2025

COMMON ORDER

The petitioners herein were arrested and remanded to judicial custody on 23.12.2024 in C.C.No.338 of 2025 on the file of the learned I Additional Special Court for EC & NDPS Act Cases at Chennai, for the offences punishable under Sections 8(c), 22(c) and 29(1) of NDPS Act, 1985, seek 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 accused/ petitioners herein were travelling; that after complying all the mandatory provisions under the NDPS Act, search and seizure was effected, thereby the petitioners herein/ 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; that the total contraband involved in this case is 71.87 grams of Methamphetamine and the same was seized under the cover of seizure mahazar in the presence of witnesses; that thereafter; the petitioners were served with summons and their statements were recorded, which revealed that they procured the seized contraband from Bangalore for the purpose of selling the same for their personal gain; that



thereafter, the accused were arrested and remanded to judicial custody. Hence, this case.

3. The learned counsels appearing for the petitioners/ Sanoj Appichira Valappil (A1) and Abdul Shareef (A4) submitted that the petitioners have been falsely implicated in this case, since the respondent had initially proceeded and nabbed the petitioners herein and other accused on an allegation that they indulged in consuming Methamphetamine drug, later foisted a false case, as if the petitioners and other accused had involved in illegal trafficking of Methamphetamine; that the petitioners herein have no acquaintance to the state of Tamil Nadu or language of Tamil, in such scenario, the grounds of arrest, issuance of notice and reply of the petitioners to avail the option under Section 50 of the NDPS Act were not properly followed, hence the fundamental rights guaranteed to the petitioner under Article 22(1) of the Constitution of India as well as the mandatory provisions contained in Section 50A of the Code of Criminal Procedure, 1973 have been violated; that the petitioners are in judicial custody since 23.12.2024 and that the investigation of this case was completed and final report filed in C.C.No.338 of 2025; that the earlier bail application of the petitioner/ Abdul Shareef (A4) was dismissed by this Court, vide common order dated 20.03.2025 in Crl.O.P.Nos.2732 and 3764 of 2025; and that the petitioners are ready to abide by any condition that may be imposed by this



Court, hence sought for bail to the petitioners. They also relied on the judgments of the Apex Court in *Mihir Rajesh Shah vs. State of Maharashtra [2025 LiveLaw (SC) 1066]* and *Vihaan Kumar vs. State of Haryana and another [2025 INSC 162]* in support of their contention.

4. The learned counsel appearing for the petitioners/ Rahees (A2) and Subinsha (A3) submitted that the respondent had foisted a false case as against the petitioners, since they are the friends of the first accused in this case. It is alleged that, as if they travelled along with him and involved in illegal trafficking of contraband; that the earlier bail applications of the petitioners were dismissed by this Court, vide Common Order dated 24.06.2025 in Crl.O.P.Nos.12478 and 12485 of 2025; that the contraband alleged to have been seized from these petitioners is only an intermediate quantity, hence Section 37 of the NDPS Act is not applicable to the case of these petitioners that the petitioners are in judicial custody since 23.12.2024; and that the investigation of this case was completed, final report filed in C.C.No.338 of 2025 and that the trial is pending; and that the petitioners are ready to abide by any condition that may be imposed by this Court, hence sought for bail to the petitioners.

5. The learned Government Advocate (Crl. Side) appearing for the respondent while opposing the bail to the petitioners, reiterated the prosecution



case and submitted that the petitioners were intercepted with joint possession of 71.87 grams of Methamphetamine, that after complying all the mandatory provisions, the seizure was effected, the statement of the petitioners and witnesses were recorded and the petitioners were produced before the learned Magistrate along with the seized contraband and thereafter remanded to judicial custody; that there is no violation of Section 50 and 42 of the NDPS Act as contended by the petitioners; that after informing the petitioners regarding the grounds of their arrest, the petitioners were arrested and produced before the learned Magistrate, hence there is no violation of the fundamental rights under Article 21 of the Constitution of India; that the contraband seized in this case is a commercial quantity, hence the petitioner has to satisfy the Section 37 of NDPS Act; that the investigation of this case was completed and final report is filed and the case is pending in C.C.No.338 of 2025 on the file of the I Additional Special Court for EC & NDPS Act Cases, Chennai; and that if the petitioners are released on bail, they would abscond and hamper the trial process.

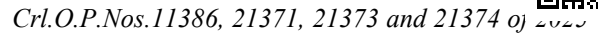
6. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent and perused the materials available on record.

7. The one of the common grounds raised by the petitioners herein is



that they were not known Tamil language, hence compliance of various mandatory provisions in Tamil is a clear violation, hence there is non-compliance of mandatory provisions of the NDPS Act. It is also further contended that grounds of arrest was not supplied to them, as contemplated under ***Mihir Rajesh Shah and Vihaan Kumar's cases*** cited supra.

8. As far as the petitioner/ Sanoj Appichira Valappil (A1) is concerned, it is the first bail application filed before this Court and he has been served with the grounds of arrest under Section 52(1) of the NDPS Act, which contains all the necessary information, more particularly about the seizure of contraband by the respondent, while he was travelling in the car and it reads as follows:



അക്ഷയ് വർമ്മ

77. சாதிக்கப்பட்டவர்கள் எதிர்ப்பு
 78. சாதிக்கப்பட்டவர்கள் எதிர்ப்பு
 79. சாதிக்கப்பட்டவர்கள் எதிர்ப்பு
 80. சாதிக்கப்பட்டவர்கள் எதிர்ப்பு

<https://www.mhc.tn.gov.in/judis>



the earlier bail applications moved by these petitioners were dismissed by this Court on merits, after hearing their contentions. The petitioners have not raised the contention regarding non furnishing or informing the grounds of arrest at the earliest point of time while seeking bail. In this case, the materials placed on record shows that the prosecution had supplied grounds of arrest in compliance with Section 52(1) to the petitioner and now the petitioner is facing trial. The petitioners were able to argue the earlier bail applications on merits and this Court had considered the same and dismissed those bail applications, hence this Court is of the view that the contention of the petitioners that they were not properly intimated with the grounds of their arrest to object the remand before the learned Judicial Magistrate and also to enable them to file bail applications is not proper. Though in *Vihaan Kumar vs. State of Haryana and another [2025 INSC 162]*, it is held that filing of the charge sheet will not bar the accused from claiming non-compliance of Article 22(1) of Constitution of India (i.e.,) failure to supply the grounds of arrest, however in this case, the petitioners had already argued the matter on merits and further there are documents produced before me to show that compliance of Section 52(1) of NDPS Act and Section 50A of the Code of Criminal Procedure, hence the petitioners are not entitled to seek bail on the ground that there is violation of Article 21 and 22(1) of Constitution of India.

10. The next contention raised by the petitioners herein is that, they are



hailing from Kerala and they know only Malayalam and not having knowledge in Tamil, whereas the documents executed at the time of search and seizure and other connected records, it reveals that the petitioners herein are having workable knowledge in Tamil language and they knew to speak in Tamil. It is also stated that they regularly travel around Tamil Nadu and used to sell the contraband to various persons at Chennai. This shows that they have regular contacts in Chennai and they can speak in Tamil, which was also once again reiterated in their confession statement. It was also stated that the petitioners were explained in Tamil regarding the contents in the grounds of arrest and other documents, hence the petitioners claiming there is no proper compliance of Section 50 of the Code of Criminal Procedure, Section 52(1) of the NDPS Act and other mandatory provisions of the NDPS Act is not proper, hence this Court finds no merits in these petitions.

11. Accordingly, these criminal original petitions stand dismissed.

26.02.2026

stn

K. RAJASEKAR, J.

stn



Crl.O.P.Nos.11386, 21371, 21373 and 21374 of 2025

1. The Inspector of Police,
Tambaram Police Station,
Chennai.(Crime No.680 of 2024)
2. The Public Prosecutor,
High Court of Madras.

CRL OP NOS.11386, 21371, 21373 and 21374 of 2025

26.02.2026