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Crl.O.P.No.12313 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-02-2026

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO. 12313 of 2025

Mohamed Noog Musharaf

... Petitioner / A3

Vs

Union of India,
Through The Inspector of Police,
NCB- Chennai Zonal Unit,
Chennai District.
(R.R. No.38 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioners/accused in C.C.No.45 of 2025 pending trial on the file of the II Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai.

For Petitioner : Mr. M. Manimaran

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

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 22.06.2024 in C.C.No.45 of 2025 pending on the file of the II Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai, for the offences punishable under Section 8(c) r/w 22(c), 28 and 29 of NDPS Act, 1985, seeks bail. The earlier bail application of the petitioner herein was dismissed by this Court, vide order dated 12.03.2025 in Crl.O.P.No.3061 of 2025.

2. The case of the prosecution is that on 20.06.2024 at about 22:40 hours, based on a specific information, the officers of Narcotics Control Bureau, Chennai Zonal Unit went to new College Road Fly Over, Royapettah, Chennai and intercepted a car bearing Registration No.TN-03-Z-8176, in which the petitioner herein, A1-Ramesh and A2-Abdul Gaffar were travelling; that after complying all the mandatory provisions of the Act, the said vehicle was searched and 2.700 kilograms of white crystal substance believed to be Amphetamine were seized from A1 to A3; that the seizure proceedings were concluded at about 02:10 hours on 21.06.2024; that thereafter A1 to A3 were summoned, they appeared before the NCB officer concerned and their voluntary statements were recorded under Section 67 of the NDPS Act on 21/22.06.2024 and subsequently, A1 to A3 were arrested on 22.06.2024 at 09:30 hours, 10:00 hours and 10:30 hours, respectively and remanded to



judicial custody; that the statements recorded from A1 to A3 revealed that, the seized contraband was given to A2 by A4-Rafishah in Bangalore; that thereafter, surveillance was made regarding the movement of A4 and the respondent had identified A4, conducted preliminary enquiry with him and thereafter, A4 was directed to call A5-Shaike Fareed Pasha to come to A4's hotel; that on arrival of A5, both A4 and A5 were summoned and they were taken to NCB office and their statements under Section 67 of the NDPS Act were recorded, which revealed the involvement of them in the aforesaid offence; that thereafter, A4 and A5 were also arrested and remanded to judicial custody. Hence, this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case and he is in judicial custody since 22.06.2024; that the petitioner was not present in the car and he was arrested by the respondent from Bilal hotel based on call history collected from A1's mobile; that there is no information in the Mahazar about where the drugs were taken from the car; that the investigation of the case is also completed and final report filed in C.C.No.45 of 2025; that the trial has not yet commenced and sought for bail to the petitioner.

4. The learned Special Public Prosecutor appearing for the respondent while opposing the bail to the petitioner, reiterated the prosecution



case and submitted that the petitioner herein is arrayed as A3 in this case; that the contraband seized from the petitioner and other accused is of commercial quantity, hence rigours of Section 37 of the NDPS Act is applicable to the case of the petitioner herein; and that the investigation of this case has been completed and final report filed in C.C.No.45 of 2025 pending trial on the file of the II Additional Special Judge, NDPS Act, Chennai.

5. I have considered the submissions made on either sides and perused the materials available on record.

6. This is the successive third bail application of the petitioner herein and he has contended that he had not travelled in the car along with other accused, in which the contraband was seized and further, the petitioner has been arrested by the respondent in some other place i.e., at Bilal Hotel and falsely implicated in this case. However, no material is produced before this Court to substantiate his contention, that he was arrested from Bilal Hotel and he was not present in the car along with other accused at the time of seizure of contraband. Further the materials produced before this Court shows that this petitioner was also travelled in the car along with other two accused with the seized contraband.

7. The petitioner raised very same contention in the earlier bail



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application in Crl.O.P.No.3061 of 2025 was also rejected by this Court, that being the case, the petitioner is not entitled without substantiating his defence that he has been falsely implicated in this case, hence this Court is not inclined to re-consider the bail application filed by the petitioner herein.

8. Accordingly, this criminal original petition stands dismissed.

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(2/3)

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To

1. The Inspector of Police,
NCB- Chennai Zonal Unit,
Chennai District.
(R.R. No.38 of 2024)
2. The Public Prosecutor,
High Court of Madras.

K. RAJASEKAR, J.

stn



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