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CRL OP No. 10930 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-06-2026

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THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL.O.P.Nos.10930 & 10934 of 2026

Rahees

..Petitioner(s) in
Crl.O.P.No.10930 of
2026

Subinsha

..Petitioner(s) in
Crl.O.P.No.10934 of 2026

Vs

The State Rep. by
The Inspector of Police,
T-1, Tambaram Police Station,
Chengalpattu district.
(Crime No.680/2024)

..Respondent(s) in
both Crl.O.P.'s

PRAYER in Crl.O.P.No.10930 of 2026: Criminal Original Petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on bail in C.C.No.338 of 2025 pending on the file of the 1st Additional Special Court for EC and NDPS Act cases, at Chennai.

PRAYER in Crl.O.P.No.10934 of 2026: Criminal Original Petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on bail in C.C.No.338 of 2025 pending on the file of the 1st Additional Special Court for EC and NDPS Act cases, at Chennai.

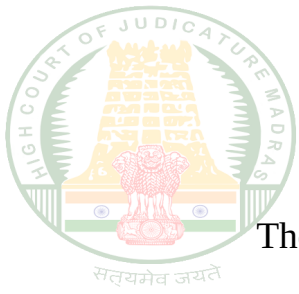
For Petitioner(s):

Mr.K.Anandha Raja

For Respondent(s):

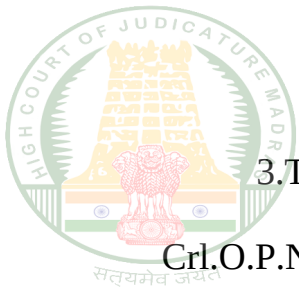
Mr.S.Yogaraja Sekar

Government Advocate (Criminal side)

**COMMON ORDER**

The petitioners, who were arrested and remanded to judicial custody on 23.12.2024 for the alleged offences under Sections 8 (c) r/w 22 (c), 29 (1) of Narcotic Drugs and Psychotropic Substances 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 accused/petitioners along with other accused were travelling; that after complying all the mandatory provisions under the NDPS Act, search and seizure was effected, thereby the petitioners herein/ A2 and A3 were found in possession of 3.38 grams and 4.13 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 the case.



3.The learned counsel for the petitioners submitted that the petitioner in Crl.O.P.No.10934 of 2026 is A3, and the petitioner in Crl.O.P.No.10930 of 2026 is A2. According to the prosecution case, the recovery from A2 is 3.38 grams of Methamphetamine, which is an intermediate quantity and from A3 is 4.13 grams of Methamphetamine, which is also an intermediate quantity. He further submitted that, according to the prosecution, there was a recovery of 61.14 grams of Methamphetamine from Sanoj Appichira Valappil / A1 which is a commercial quantity. The prosecution contends that because these petitioners travelled along with A1, the recovery of the commercial quantity from the first accused must also be considered against the other accused. Hence, he prays to grant bail to the petitioners.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police strongly opposed the bail applications on the ground that, as a commercial quantity is involved, the rigour under Section 37 of the NDPS Act would be attracted. Hence, he opposed for grant of bail to the petitioners.

4.1.However, the learned counsel for the petitioners drew the attention of this Court to an earlier order passed by this Court in Crl.O.P.No.7689 of 2026 dated 09.04.2026, concerning A4. In that order, this Court considered a contradiction between the arrest memo and search memo; the search memo stated that “they were searched while using Methamphetamine”, whereas, the



arrest memo, stated that “they were arrested while attempting to sell the contraband”. The learned counsel also drew the attention of this Court to the confession of A1, which stated that although all the accused travelled together, the 1st accused handed over a certain amount of contraband in a plastic bag only when they started travelling. Therefore, even if there was a recovery, the entire contraband should only be attributed to the first accused. Furthermore, the contraband recovered from the petitioners was seized through separate seizure mahazars and according to the prosecution, the recovery from these petitioners constitutes only an intermediate quantity.

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

6. The main point to be considered now is whether these petitioners may be granted parity with the other accused namely Abdul Shareef / A4 who was granted bail on 09.04.2026 on Crl.O.P.No.7689 of 2026. As rightly contended by the learned counsel for the petitioners, these petitioners also falls in similar line with that of the A4. Even against these petitioners, the search memo states as “Methamphetamine எனனும் போதைபொருளை பயன்படுத்தும் போது உம்மை மடக்கி பிடித்தேன்”. In the **arrest memo**, it is referred as “Methamphetamine எனனும் போதைபொருளை விற்பனைக்காக வைத்திருந்து பயன்படுத்திய குற்றத்திற்காக”, The very reading of



the above documents reveals an apparent contradiction with the same phrasing.

Therefore, the contention of the learned counsel for the petitioners that if at all there was any violation of law pertains only to consumption rather than sale cannot be simply brushed aside. Furthermore, as rightly contended by the learned counsel for the petitioners, the contraband was recovered from these petitioners through different seizure mahazar at different points of time. Therefore, this Court is of the firm view that petitioners also falls in the same line as that of the fourth accused. Consequently, this Court is inclined to give parity to these petitioners. In the result, these Criminal Original Petitions are allowed on the same grounds.

7. At this juncture, the learned Government Advocate (Criminal side) submitted that since the petitioners are residents of Kerala, it may be difficult to secure their presence during the trial. Hence, he requested the court to direct the petitioners to give one local surety and one blood relative surety.

8. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties (**one local surety and one blood relative surety**) each for a like sum to the satisfaction of **1st Additional Special Court for EC & NDPS Act Cases, Chennai** and subject to the following conditions:



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[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 petitioners shall report before the 1st Additional Special Court for EC & NDPS Act Cases, Chennai, daily at 10.30 A.M until further orders and no relaxation petition will be entertained for a period of 60 days;

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

[d] the petitioners 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 take appropriate action against the petitioners in accordance with law as if the conditions had been imposed and the petitioners released on bail by the learned Magistrate/Trial Court itself, as laid down by the Hon'ble Supreme Court in *P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]*;

[f] if the petitioners thereafter abscond, a fresh FIR may be registered under Section 269 of the Bharatiya Nyaya Sanhita, 2023.

03-06-2026

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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. 1st Additional Special Court for EC and NDPS Act cases,
Chennai.

2. The Superintendent of Prison,
Central Prison – I, Puzhal.

3. The Inspector of Police,
T-1, Tambaram Police Station,
Chengalpattu district.

4. The Public Prosecutor
High Court of Madras.

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C.KUMARAPPAN, J.

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