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CRL OP No. 14786 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 14786 of 2026

R.Harivishnukumar

..Petitioner

Vs

The State represented by
The Sub Inspector of Police,
Gummudipoondi Police Station,
(Crime No.08 of 2026)

..Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No.08/2026 pending on the file of the respondent police.

For Petitioner:

Mr.S.Kasirajan

For Respondent:

Mr.S.Yogaraja Sekar
Counsel for Government of Tamilnadu
(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) r/w Section 20(b)(ii) (A), 20(b)(ii)(B), 22(C), 29(1), 3(5) of the NDPS Act, 1985 in Crime No.08 of 2026 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 10.01.2026, based on secret information, the respondent police conducted a raid at Gummudipoondi



Railway Station and apprehended five accused persons. During the search, 60 grams of Methamphetamine was recovered from Krishna/A1, 1 kg of Ganja from Srisankar, 0.5 kgs of Ganja from Manojkumar, 2 kgs of Ganja from the present petitioner and 0.5 kgs of Ganja from Mohammed Farhan. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the allegation against the petitioner is only with regard to possession of 2 kilograms of ganja, which is an intermediate quantity and was recovered under a separate seizure mahazar. It is further submitted that no grounds of arrest were furnished to the petitioner at the time of arrest. The learned counsel would further contend that A1, from whom Methamphetamine was recovered, has already been granted bail by this Court in Crl.O.P.No.8733 of 2026 and therefore the petitioner is also entitled to parity. The relevant portion of the order in Crl.O.P.No.8733 of 2026 is extracted hereunder for ready reference:-

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,



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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 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.**

(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.

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)



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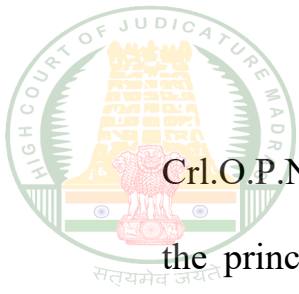


Noushad v. State of Kerala reported in 2025 SCC Online Ker 5524; (v) Phalman Budh Nagar v. State of NCT Delhi reported in 2026 DHC 507; (vi) Matheen Ahmedia v. The State in Crl. O.P. No.2660 of 2026; (vii) Ahique v. State of Kerala reported in 2026 KER 19267; and (viii) Dr. Rajendhra Rajan v. UOI and 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:

4. The learned Government Advocate (Crl. Side) appearing for the respondent opposed the application. However, it is fairly submitted that there are no materials placed before this Court to substantiate the contention regarding furnishing of grounds of arrest.

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

6. This Court is of the view that the main contention raised by the petitioner is one of parity. The allegation against the petitioner is only with regard to recovery of 2 kilograms of ganja, which is an intermediate quantity. Further, A1 against whom a more serious allegation involving Methamphetamine was made, has already been enlarged on bail in



Crl.O.P.No.8733 of 2026 dated 05.06.2026. Hence, taking into consideration the principle of parity and the absence of materials to substantiate the issue relating to grounds of arrest, this Court is inclined to extent parity to the petitioner and enlarge him on bail, subject to certain conditions.

7. 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 for a like sum each to the satisfaction of the learned **Principal Special Court for EC and NDPS Act, Chennai**, and subject to the following conditions:

[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 report 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 take appropriate action against the petitioner in accordance with law as if the conditions had been imposed and the petitioner released on



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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 petitioner thereafter abscond, a fresh FIR may be registered under Section 269 of the Bharatiya Nyaya Sanhita, 2023.

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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. The learned Principal Special Court for EC and NDPS Act, Chennai.
2. Central Prison, Puzhal.
3. The Sub Inspector of Police,
Gummudipoondi Police Station.
4. The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN, J.

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