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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL.O.P.No.29787 of 2026

CNR: {HCMA012477332026}

Fasil Ahamed

..Petitioner

Vs

The State Rep By The Inspector of Police,
Tirupur Central Police Station,
Tirupur District.
(Crime No.260 of 2026)

..Respondent

PRAYER: To grant the bail to the petitioner in crime No.260 of 2026 on the file of respondent police and pass such further order or orders deems fit and proper in the circumstances of the case and thus render justice.

For Petitioner : Mr.K.Sudhakar

For Respondent : Mr.M.M.Khaleel,
Government Advocate (Crl.side)

ORDER

This is a petition for regular bail in a case under the NDPS Act, under Section 483 of the BNSS. The petitioner is the first accused in Crime No.260 of 2026 on the file of the Inspector of Police, Tiruppur Central Police Station, Tiruppur City, registered on 23.08.2026 for offences under Section 8(c) read with Sections 22(b), 25 and 29(1) of the Act and altered the same day to Section 8(c) read with Sections 22(c), 25 and 29(1). Section 22(c) carries rigorous

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imprisonment for not less than ten years, which may extend to twenty years. The investigation is pending.

2. The case of the prosecution, briefly stated, is this. On 23.08.2026 a police party acting on information intercepted the petitioner beside a two-wheeler near ParapalayamRoundana on the Mangalam Road, Tiruppur, and seized from him a zip-lock cover holding about **3.5 grams of methamphetamine**. The second to fourth accused were named in the statement recorded from him. They were apprehended later the same day at another place in the city, and **220 grams of methamphetamine** were seized from the second accused, 50 grams from the third and about a hundred zip-lock covers from the fourth, each under a separate mahazar. The respondent's case is that these accused bought the drug in Bengaluru from the fifth and sixth accused and sold it through the petitioner, and the sections were altered on the footing that **273.5 grams were seized in all**.

3. Methamphetamine is entered at Serial No.159 of the Table to Notification S.O.1055(E) dated 19.10.2001, with a small quantity of 2 grams and a commercial quantity of 50 grams. The 3.5 grams seized from the petitioner is an intermediate quantity, for which Section 22(b) prescribes rigorous imprisonment which may extend to ten years. The **273.5 grams seized from the three accused together is more than five times the commercial quantity**. Section 37 of the Act is engaged against the petitioner only if the

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quantity seized from the second and third accused can be put to his account. The petitioner was arrested and remanded to judicial custody that day and has been in custody for two months and fifteen days.

4. Learned counsel for the petitioner made these submissions.

[a] Only about 3.5 grams, an intermediate quantity, was seized from the petitioner, and Section 37 of the Act is not attracted against him.

[b] The 220 grams and 50 grams were seized later from other accused, under separate mahazars, on their own statements; the petitioner knew nothing of those recoveries, and the respondent has proceeded under the Tamil Nadu Act 14 of 1982 only against the accused found with the larger quantities. He relies on the alteration report and the order granting police custody.

[c] Written grounds of arrest were not served on him, and the arrest is illegal under Section 47 of the BNSS.

[d] He has no previous case and has been falsely implicated.

5. The respondent has filed a counter affidavit and the petition is opposed on its lines: that 273.5 grams, a commercial quantity, is involved; that the second to fourth accused sold the drug through the petitioner; that the grounds of arrest were duly informed to him and his arrest intimated to his mother; that

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the investigation is at its very initial stage; and that, if released, he is likely to abscond, to repeat the offence and to tamper with the evidence.

6. I have considered the rival submissions and perused the material placed before me.

7. I take first the plea on the grounds of arrest, since it goes to the legality of the custody. The arrest was made after 06.11.2025, and the grounds were therefore required to be furnished in writing, as held in **Mihir Rajesh Shah v. State of Maharashtra, 2025 INSC 1288**. The plea is made in one sentence in paragraph 5 of the petition. It does not say what the petitioner was told or given, or when. Neither the arrest memo, nor the intimation, nor the remand papers have been placed before me, and the point was not urged before the Special Court. Paragraph 12 of the counter affidavit says that the grounds were duly informed and that the arrest was intimated to the petitioner's mother. On a record in this state I am unable to decide the question either way. I record no finding on it, and it is open to the petitioner to raise it on the documents.

8. The material placed before me to put the 270 grams to the petitioner's account consists of statements recorded by the police: his own, that the second to fourth accused sold the drug through him, and theirs, recorded in the alteration report, that they had sold it to him that morning. Those statements are not substantive evidence. The counter affidavit refers to a report of the Cyber Crime Cell received on 27.08.2026. Whether the recoveries can be read together

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is left open for the investigation and the trial.

9. The petitioner was found on a public road with methamphetamine in a zip-lock cover, and the persons he named were found the same day with the larger quantity and with a stock of such covers. The respondent's case, which the investigation is directed to proving or disproving, is that he was the point of sale for a supply brought from Bengaluru. The investigation is a little over two months old and is still following that line of supply. The fifth accused was arrested on 21.09.2026, and the sixth is yet to be arrested. On 11.09.2026, after the Special Court had refused bail, the petitioner was taken into police custody together with the second accused. The final report has not been filed. The stage of the investigation weighs heavily. Whether he was a party to the larger quantity, the question on which his case for bail principally rests, is the very question the investigation is now examining. At this stage of the investigation, release is not called for. The petitioner is at liberty to apply afresh once the final report is filed, when it will be known on what material, if any, the respondent puts the larger quantity to his account.

10. **In the result, this Criminal Original Petition is dismissed.**

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To

1. The Inspector of Police,
Tirupur Central Police Station,
Tirupur District.

2. The Public Prosecutor, High Court of Madras.

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N.RAMESH, J.

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