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CRL OP No. 31044 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-04-2026

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

CRL OP No.31044 of 2025

AND

CRL OP NOS.2236 & 2240 OF 2026

CRL OP No.31044 of 2025

1. Senthil Nathan
S/o.Subramanian,
No.15, Appai Naidu Street,
N.K.Palaiyam Chinna Thottam,
2nd Street, Neelikonampalayam
Coimbatore - 641033.

Petitioner(s)

Vs

1. The State Rep By, The Inspector of
Police
Tirupur central police station, Tirupur.
(Crime No.249/2025)

Respondent(s)

CRL OP No. 2236 of 2026

1. Karthikeyan
S/o.Subramaniyan,
No. 652, Paari Vallal Street,
Kirungkanga Girugankkottai,
Sivagangai - 630 502.

Petitioner(s)

Vs

1. State Represented by its Inspector of
Police
Tiruppur Central Police Station,
Karuvampalayam, Tiruppur District.
(Crime No. 249/2025 dt. 20.05.2025)

Respondent(s)



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CRL OP No. 2240 of 2026

1. Prabhu
S/o.Mangai Pagu,
No. 2/58, South Street,
Iduvai, Tiruppur - 641 687.

Petitioner(s)

Vs

1. State Rep .by The Inspector of Police
Tiruppur Central Police Station,
Karuvampalayam, Tiruppur District.

Respondent(s)

PRAYER

Criminal Original Petitions filed under Section 483 of BNSS Act, praying to enlarge the petitioners/accused herein on bail in Crime No.249 of 2025 on the file of the respondent/complainant i.e. on the file of the Inspector of Police, Tiruppur Central Police Station, Tiruppur.

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For Petitioner : Mr.S.Mohan Raj
For Respondent(s): Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

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For Petitioner : Mr.Parasaran P.A
For Respondent(s): Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

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For Petitioner : Mr.Surya K
For Respondent(s): Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)



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COMMON ORDER

These Criminal Original Petitions have been filed to enlarge the petitioners on bail in Crime No.249 of 2025 on the file of the respondent/complainant.

2(a).The learned counsel for the petitioners would submit that the petitioner in Crl.OP.No.2236 of 2026 is one Mr.Karthikeyan, S/o.Subramaniyan (A2), the petitioner in Crl.OP.No.2240 of 2026 is one Mr.Prabhu (A3) and the petitioner in Crl.OP.No.31044 of 2025 is one Mr.Senthil Nathan (A5). According to the prosecution case is that one Kavin administered Karthikeyan had Narcotic Substance and while the police intercepted him and enquired based upon the confession, they came to know that they purchased the narcotic substance from Mr.Karthikeyan (A2) and Mr.Prabhu (A3). When the police further investigated Karthikeyan and Prabhu, on their confession, they came to know about the involvement of Senthil Nathan (A5).

(b).The main allegation against these petitioners is that they have possessed and used medicines as a narcotic substance and that the possession of those substance was of commercial quantity. The learned counsel for the petitioners would submit that the petitioners are having license to possess



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narcotic substance and that the entire case is a false one. To substantiate their contention, they have also submitted the license for running Medical Shop and license to have a wholesale medical agencies. It is also the further contention of the learned counsel for the petitioner that the investigation has been completed and that the charge sheet has been filed and the same was taken on file and numbered as C.C.No.71 of 2026.

3.Per contra, the said contention was stoutly objected by the learned Government Advocate (Crl.Side) and would submit that though there is no recovery from A2 and A5, the recovery from Prabhu (A3) is 2000 number of Dicyclomine Hcl, Tramadol Hcl and Acetaminophen Capsules and the total weight of the narcotic substance is 1.200 kilograms and the Codeine Phosphate Triprolidine Hydrochloride syrup is of 5.4 liters. Thus, the contention of the learned Government Advocate (Crl.Side) is that there was a huge commercial quantity of contraband was recovered from A3. The learned Government Advocate (Crl.Side) would further submit that though there was no recovery from A4 & A5, they were in active connivance with A3 and therefore, they also must have the conscious possession. Hence, prayed to dismiss the applications.



4.I have given my anxious consideration to either side submissions. This Court has also perused CD file.

5.While perusing CD file, the Drug Inspector had clearly stated that the Codeine and Tramadol were all H1 drugs as per the Drugs and Cosmetics Act, 1940 and ought to have been sold only based on the prescription and should not be sold without prescription of the medical practitioner. In the case in hand, especially in the confession statement, A1 and A2 had stated that they have purchased the drugs from A3 shop whereas, A3 is not in a position to submit any records before this Court to show that he has sold the tablets to A2 on medical prescription and they were not in a position to substantiate that the possession of drugs is by way of legal means. They except producing A3 and A5's license to deal with the Schedule H1 drugs, no other documents submitted to show that their possession is in accordance with law and they sold the same only for medical purpose.

6.At this juncture, the learned Government Advocate (Crl.Side) would rely upon the Full Bench judgment of the Hon'ble Supreme Court in ***State of Punjab Vs. Rakesh Kumar*** reported in ***(2019) 2 SCC 466***, wherein the Hon'ble



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Supreme Court has held that Section 8 of the NDPS Act would make the possession, sale, purchase, transport of the substance, except for medical or scientific purposes will be an offence. In this case, as stated supra neither there are proof to show that the medicines which were available in the medical shop was purchased through legal means nor to show that the sale of such medicine in the past through legal means. No doubt, the 4th accused is the employee of the 3rd accused, the fact remains as he was serving in the shop, he also knew about the factum of illegality in ordinary course. Hence, his conduct is suffice to hold his conscious possession. As far as A5 is concerned, there is no recovery, but according to the confession, he only sourced these medicines from other States and there are no proof to show before this Court to say that his purchase was through legal means.

7.Hence, taking into consideration of the above totality of the circumstances, this Court is of the firm view that the contention raised by the learned counsel for the petitioners in respect of the technicality and the interplay between the Drugs and Cosmetics Act, and NDPS Act, cannot be over played during bail stage. Therefore, this Court could not find any merits in favour of the petitioners. However, taking into consideration of the totality of the



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circumstances and upon the fact that the petitioners 3 & 5 having license to possess scheduled drugs, in the interest of justice this Court would like to give direction to the Trial Court to dispose of the case as expeditiously as possible preferably within a period of six(6) months.

8. Accordingly, all the Criminal Original Petitions stand dismissed with the above directions.

02-04-2026

Index: Yes
Speaking order
Internet: Yes
Neutral Citation: Yes
kmi

To

1. The State Rep By,
The Inspector of Police
Tirupur central police station,
Tirupur. (Crime No.249/2025)



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C.KUMARAPPAN J.

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