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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: _ 23.11.2026

CORAM
THE HONOURABLE MR. JUSTICE N. RAMESH

Crl.O.P. No.32077 of 2026

Amber Jain,
S/o. Rajesh Jain ...Petitioner/Accused

Vs.

The State rep. by its Inspector of Police,
D-1 Chengalpattu Town Police Station,
Chengalpattu District.
(Crime No.332 of 2026) ...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in connection with Crime No.332 of 2026 on the file of the respondent police and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

For Petitioner: Mr. D. Padmanabhan

For Respondent: Mr.M.M.I.Khaleel
Government Advocate (Criminal 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 shown in the counter affidavit as the seventh accused (the order of the Special Court calls him the fifth) in Crime No.332 of 2026 on the file of the respondent, registered under Sections 8(c)

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read with 22(c) and 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 111 and 123 of the BNS. The counter affidavit adds Section 25 of the Act. An offence under Section 22(c) carries rigorous imprisonment for not less than ten years, which may extend to twenty years. A final report was e-filed on 30.10.2026.

2. The case of the prosecution, briefly stated, is this. On 29.06.2026 the police intercepted the first three accused near the Railway Quarters Park, Chengalpattu, and recovered from them 4,000 Nitrosun 10 mg tablets (4,090 according to the counter affidavit), 520 grams of Nitrosun powder, two other kinds of tablets and Rs.2,30,000/- in cash. The petitioner was not among them. The counter affidavit says that the first accused, while in police custody, gave a further confession naming others, that Akash Jain, shown as the sixth accused, was arrested at Mumbai on 10.08.2026 and gave a confession, and that "based on the statements of A1 and A6" the petitioner was arrested and produced on 12.09.2026. The case against him is that he supplied the tablets to the first and third accused. He has been in judicial custody since 12.09.2026.

3.For the reasons given by this Court in the common order dated 30.10.2026 in Crl.O.P. Nos.25694, 28600 and 25811 of 2026, which arose out of this crime, the seizure is of a commercial quantity. Nitrosun 10 mg is a tablet

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of nitrazepam, which is entered at Serial No.221 of the Table to Notification S.O.1055(E) dated 19.10.2001 with a commercial quantity of 500 grams, and the 520 grams of crushed tablets is by itself above it. The petitioner is accused of abetment and conspiracy in that offence, and Section 37(1)(b) of the Act applies to his petition.

4. Learned counsel for the petitioner made these submissions.

(a) He was not at the spot and nothing was recovered from him. He was brought into the case later, on the statements of the co-accused, and there is no other material against him.

(b) The grounds of arrest, and in particular the quantity, were not communicated to him in writing in a form that let him understand the accusation, in breach of Article 22(1) of the Constitution and Section 47 of the BNSS. Reliance was placed on the orders of this Court in Crl.R.C. Nos.2494 and 2304 of 2025, dated 11.12.2025, and Crl.O.P. No.30504 of 2024, dated 22.01.2026.

(c) He appeared before the respondent on 11.09.2026 in answer to a notice under Section 35(3) of the BNSS, and was arrested the next day.

(d) He is the proprietor of S.R. Pharmahub, which holds a wholesale drug licence in Form 20-B, and its purchase and sale bills for 2023 to 2025 are filed.

(e) He has a permanent residence and a business at Mumbai and will abide by any condition.

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5. The respondent has filed a counter affidavit and the petition is opposed on its lines. The opposition is that the petitioner supplied the prohibited medicines to the first and third accused, that the absence of a recovery from him does not rule out his part in the conspiracy and the supply network, that the seizure is of a commercial quantity, and that if he is released he may abscond and commit similar offences.

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

7. The plea on the grounds of arrest goes to the custody itself, and I take it first. The petitioner was arrested on 12.09.2026, and the grounds had to be furnished to him in writing, as held in **Mihir Rajesh Shah v. State of Maharashtra, (2026) 1 SCC 500 : 2025 INSC 1288**. The petition does not say that nothing was furnished in writing. Its complaint is that what was furnished did not let him understand the precise allegations and did not state the quantity. The document said to contain the grounds is not before me. The counter affidavit denies the plea "subject to verification of the arrest records", and the Special Court recorded on 22.10.2026 that the grounds of arrest had been explained in writing. Without the document I cannot say what it contained or whether it omitted the quantity. I record no finding on the plea and leave it open.

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8. On the respondent's own showing, the only material that connects the petitioner with the crime consists of the statements of the first and sixth accused recorded by the police. Under Section 23(1) of the Bharatiya Sakshya Adhiniyam, 2023, no confession made to a police officer shall be proved against an accused, and a statement of that kind cannot be used as a confession in the trial of an offence under the Act, as held in **Tofan Singh v. State of Tamil Nadu, (2021) 4 SCC 1**. A confession of a co-accused alone is no ground to refuse bail, as held in **State by (NCB) Bengaluru v. Pallulabid Ahmad Arimutta, 2022 INSC 26**. I leave those statements out of account and ask what remains.

9. What remains is very little. Nothing was recovered from the petitioner, no recovery is claimed at his instance, and he was not at the spot. The counter affidavit refers to no call detail record, no payment, no invoice and no other document connecting him or his firm with the tablets seized at Chengalpattu. It is not consistent even about the firm. The column headed "Specific Overact of the accused-5" ties him to "Denmark Pharmaceuticals, Mumbai", which paragraph 8 of the counter affidavit attributes to the fifth accused, and paragraph 9 speaks of "the petitioner/A5, Dhruv Dilip Mehta". Paragraph 14 accepts that the statement of a co-accused cannot by itself be treated as

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substantive evidence. The counter affidavit says that his role is under investigation, and it also says that a final report against him was e-filed on 30.10.2026. Nothing beyond the statements is shown.

10. Only one thing distinguishes the petitioner from the sixth accused. He, and not his brother, is the proprietor of S.R. Pharmahub, Mumbai, which holds a licence for wholesale dealing in drugs. That is his own case, and the licence is among his papers. A licence shows that he carries on a regulated business. It does not show that the business dealt in the nitrazepam seized at Chengalpattu. The purchase and sale bills he has filed do not mention Nitrosun or nitrazepam, and the respondent has not relied on them, or on any record of the firm, as connecting it with this consignment. By the common order already referred to, this Court released the sixth accused in Crl.O.P. No.28600 of 2026, finding that nothing apart from the statements of the accused had been shown against him. The counter affidavit in this petition is in the same terms and adds nothing. The petitioner stands on the same footing.

11. No earlier case is attributed to the petitioner. He has a permanent residence and a licensed business at Mumbai. An apprehension so stated can be met by conditions that fix his address and secure his attendance.

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12. **In the result, this Criminal Original Petition is allowed** and 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,** each for a like sum to the satisfaction of the **learned Judicial Magistrate-I, Coimbatore,** and on further conditions that:

[(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 his identity;

(b)Before his release, the petitioner shall file before the learned Judicial Magistrate No.I, Chengalpattu, an affidavit stating his permanent address at Mumbai, the address at which he will reside while on bail and his mobile number, with proof of each, and shall not change any of them without prior written intimation to that Court and to the respondent.

(c) the petitioner shall report before the respondent police daily at 10:30 A.M. until further orders;

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

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[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)13 SCC 283];**

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

13. It is made clear that the observations made in this order are confined to the disposal of this petition, are prima facie in nature, and shall not influence the respondent in any further investigation or the trial court at any stage of the trial. They are not an expression of opinion on the communication of the grounds of arrest, or on the part, if any, played by the petitioner or his firm in the supply of the tablets.

23.11.2026

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Note:
1. Registry is directed to forthwith upload this order in the Official Website of this Court.

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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.Judicial Magistrate – I,
Chengalpattu.

2.The Superintendent of Police
Central Prison, Puzhal-II, Chennai.

3.Inspector of Police,
D-1 Chengalpattu Town Police Station,
Chengalpattu District.

4.The Public Prosecutor
High Court, Madras.

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N.RAMESH, J.

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