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Crl.O.P.No.32395 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-02-2026

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THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.32395 of 2025

Abdul Shukkoor

... Petitioner/ Accused

Vs

The State Rep. By,  
The Inspector of Police,  
Gudalur Police Station,  
Nilgiris District.  
(Crime No.30 of 2025)

... Respondent/ Complainant

**Prayer:** Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner/ accused in C.C.No.129 of 2025 on the file of the Additional District Judge/ Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore.

For Petitioner : Mr. R.C. Paul Kanagaraj

For Respondent(s) : Mr. A. Gopinath  
Government Advocate (Crl. Side)

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## **ORDER**

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The petitioner, who was arrested and remanded to judicial custody on 11.04.2025 in C.C.No.129 of 2025 on the file of the Additional District Judge/ Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore, for the offences under Sections 8(c), 22(c) and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985, seeks bail. This is the second bail application of the petitioner and the earlier bail application in Crl.O.P.No.18355 of 2025 was dismissed as withdrawn, vide order dated 28.08.2025.

2. The case of the prosecution is that on 03.02.2025 at about 19:15 hours, based on a specific information, the respondent team went near Gudalur Thorapalli Government Residential School and intercepted a Kerala State Swift bus bearing Registration No.KL-15-A-2376 proceeding from Thorapalli Forest Department Checkpoint towards Gudalur and entered into the bus and started inspecting; that on seeing the respondent police, A2 namely Mohammed Shabber, who came in the said bus tried to escape and the respondent had caught hold of him; that after complying all the mandatory provisions under the NDPS Act, search and seizure was effected and found that A2 was in illegal possession of 600 grams of Methamphetamine; that thereafter, the statement of A2 was



recorded, which reveals that on insturction of A3 namely Niyaas @ Kuttypa, A2 went to Bengaluru, purchased the said contraband and while he was returning, he was caught by the respondent; that thereafter, A3 was served with summons, his statement was recorded and subsequently, he was arrested; that based on the confession statement recorded from the accused and further course of investigation, it is revealed that the petitioner herein is also involved in the aforesaid offence; that subsequently, the petitioner was implicated in this case and subsequently, arrested and remanded to judicial custody.

3. The learned counsel appearing for the petitioner submitted that, the petitioner has been falsely implicated in this case based on the confession of the co-accused and the fact that the petitioner herein is friend of A2; that the alleged bank transactions taken place between the petitioner and A2 is only the money transferred between them for their personal and business transactions, which has been wrongly portrayed by the prosecution as though the transactions have been used for the alleged nefarious activities, apart from that there is no other legally acceptable evidence to implicate the petitioner in the aforesaid offence; that the investigation of this case was completed and final report also filed in C.C.No.129 of 2025; that the petitioner is in judicial custody since 11.04.2025 and his prolonged detention without trial, violates his fundamental right under Article 21 of the Constitution of India; and that the petitioner is ready to abide



by any condition that may be imposed by this Court and sought for bail to the petitioner.

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4. Per contra, the learned Government Advocate (Crl. Side) appearing for the respondent while opposing the bail to the petitioner reiterated the prosecution case and submitted that there are totally three accused involved in this case and the petitioner herein is arrayed as A1; that the bank transactions between the petitioner herein and A2 clearly connects the petitioner with other accused and the contraband seized in this case; that the contraband seized in this case is a commercial quantity, hence the petitioner has to satisfy the twin conditions under Section 37 of NDPS Act; that the investigation of this case was completed and charge sheet filed in C.C.No.129 of 2025 on the file of the Additional District Judge/ Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore; that newly detected bank accounts of the petitioner and A2, it was found that a sum of Rs.1,28,500 in December 2024 and Rs.2,80,000 in January 2025 was transferred to the petitioner through Federal Bank, therefore in order to include the newly detected bank account details of the accused and to conduct further investigation, the respondent had filed a petition in C.M.P.No.192 of 2026 before the Special Court for EC & NDPS Act Cases, Coimbatore and the same is pending.



5. I have considered the submissions made on both sides and perused the materials available on record.

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6. The major ground raised in this petition is that, the petitioner and A2 are childhood friends and there are transactions between them and though the bank statements of the petitioner herein and A2 were produced and witnesses L.W.18 to L.W.20 were cited to speak about the above transactions. Though the learned Government Advocate (Crl. Side) appearing for the respondent contended that there are bank transactions and now only they have found new bank accounts from where a sum of Rs.1,28,500 in December 2024 and Rs.2,80,000 in January 2025 was transferred to the petitioner's bank accounts and this money is alleged to be part of procuring contraband, so far no order for further investigation is obtained from the Trial Court.

7. Though, the witnesses L.W.18 to L.W.20 were cited to speak about the transactions taken place between the petitioner and A2, but final report reveals that these witnesses were listed to speak about the banking transactions between A2 and A3 in this case and not of the petitioner herein. As on today, there are no legally acceptable materials or evidences produced before the Trial Court to show that the petitioner herein is also involved in alleged trafficking of contraband by inducing A2. Not even *prima facie* material to link the petitioner



herein was produced, hence this Court is of the view that the petitioner has satisfied the probable cause for accepting the petitioner's case that without any evidence, he is being prosecuted and it substantiate the cause for believing that the accused is not guilty of the offence as contemplated under Section 37 of the NDPS Act. Hence, this Court is inclined to grant bail to the petitioner with certain conditions.

8. 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 each**, for a like sum to the satisfaction of the **learned Additional District Judge/ Presiding Officer, Special Court for Essential Commodities Act Cases, 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 their identity;

[b] **the petitioner shall report before the Trial Court concerned daily at 10:30 a.m., until further orders;**

[c] On breach of any of the aforementioned conditions,



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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]**;

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

**25.02.2026**

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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.

**K. RAJASEKAR, J.**

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To

1. The Additional Judge/ Presiding Officer,



*Crl.O.P.No.32395 of*



Special Court for Essential Commodities Act Cases, Coimbatore.

2. The Inspector of Police,  
Gudalur Police Station,  
Nilgiris District.  
(Crime No.30 of 2025)
3. The Superintendent,  
Puzhal Prison, Coimbatore.
4. The Public Prosecutor,  
High Court of Madras.

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