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Crl.O.P.No.32941 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-02-2026

CORAM

**THE HONOURABLE MR JUSTICE K. RAJASEKAR**

**CRL OP NO.32941 of 2025**

Mudassir

... Petitioner/ A3

Vs

State Rep. by,  
The Inspector of Police,  
S-4, Nandambakkam Police Station,  
Chennai.  
(Crime No.160 of 2024)

... 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.170 of 2025 on the file of the I Additional EC & NDPS Court, Chennai.

For Petitioner(s) : Mr. S. Karthikeyan  
For Mr. K. Subburaj

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 31.01.2025 for the offences under Sections 8(c), 22(c) and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 in C.C.No.170 of 2025 on the file of the learned I Additional EC & NDPS Court, Chennai, seeks bail. The earlier bail application of the petitioner was dismissed by this Court, vide order dated 19.09.2025 in Crl.O.P.No.19383 of 2025.

2. The case of the prosecution is that on 27.12.2024 at about 11:00 hours, based on a specific information, the respondent police team went near Miot Hospital, Adayar Bridge Town and intercepted A1 and A2; that after complying all the mandatory provisions under the NDPS Act, search and seizure was effected and found that A1 was in possession of 52 grams of Methamphetamine; that thereafter, their statements were recorded, seized their mobile phones and collected Call Detail Records, which reveals that on the instigation of the petitioner herein, A2 went to Delhi through train on 19.12.2024 and collected 52 grams of Methamphetamine and returned back to Chennai on 23.12.2024, hence the petitioner was also added as an accused in this case; that subsequently, the petitioner herein was formally arrested, his statement was recorded and remanded to judicial custody. Hence, this case.



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3. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case only based on the confession of the co-accused; that the statement recorded from A1 reveals that he has not seen the petitioner for the past two years or not even contacted him; that similarly A3 has also stated that he had never seen the petitioner herein in person or through photo and he used to contact him only through whatsapp call; that being the case, the identity of the petitioner itself is impossible and further there is no material produced before the Court to link the petitioner with the contraband seized in this case. He also submitted that without any legally acceptable evidence, the petitioner herein has been detained under custody and he is in judicial custody since 31.01.2025; and that the petitioner is ready to abide by any condition that may be imposed by this Court, hence sought for bail to the petitioner.

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 is a frequent contact between the petitioner herein with other accused over phone, even prior and after procuring of contraband from Delhi; that through the mobile phone contacts, the petitioner herein was identified and he has been formally arrested while he was in custody



in connection with another case; that the petitioner is also having four previous cases; that the seized contraband in this case is of commercial quantity and that the petitioner has to satisfy the twin conditions under Section 37 of the NDPS Act.

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

6. In this case, at the time of arresting A1 and A2, their mobile phones were seized and CDR details were collected and it is alleged that A2 in this case used Cell No.9025107749 for communicating with the petitioner herein, while he was in Uttar Pradesh. Similarly, A3 used alternate Cell No.8979398679 for communicating with A1's Cell No.7395937378. Further, the petitioner has initiated conference call with A1 and A2 on 23.12.2024 at about 11:05 hours, hence these phone calls are directly connecting the petitioner's role in directing A2 to collect contraband from Delhi and also with the contraband seized in this case. It is also stated that the bank details of the petitioner herein is yet to be collected and after collecting the same, further additional report regarding the same would be filed before the concerned Trial Court.

7. Admittedly, the petitioner herein is in custody since 31.01.2025, the



final report in this case has also been filed. On perusal of the final report, the prosecution has cited eight witnesses, including the witnesses to speak about the search and seizure of 52 grams of Methamphetamine effected from A1 and A2 in this case. Some of the witnesses cited by the prosecution are forensic experts to speak about the chemical examination on the seized contraband and the Investigation Officer to speak about remanding of the accused and filing of final report, but no officials from any Telecom Operators have been cited as witnesses to substantiate the prosecution case that CDR details were collected and to link the petitioner herein with the accused and the seized contraband. Further in the counter, it is also stated that the prosecution is taking steps to verify the bank statement of the petitioner, this reveals that after the petitioner has come forward with the bail petition, that too after filing of the final report, the prosecution has woken up and started to collect evidence as against the petitioner herein/ A3. Admittedly, the final report has already been filed in this case and also there is no order of the Trial Court, permitting the respondent to conduct further investigation of this case.

8. In view of the above, the averments made by the prosecution before this Court only shows that, the call details and bank transaction statements relied now is only for the purpose of opposing the bail to the petitioner. Further as on today, there is no legally acceptable materials or evidence produced before this



Court or before the Trial Court to substantiate the case of the prosecution as against the petitioner herein. There is no legally acceptable material produced to charge and proceed as against the petitioner herein.

9. Though it is stated that the petitioner was also involved in other offences, considering the fact that the petitioner herein has been implicated without any admissible evidence, taking note of the fact that so far he has not been convicted in any of the offences and the petitioner was also on bail in all other cases, this Court is of the view that the petitioner has satisfied the twin conditions contemplated under Section 37 of the NDPS Act. Hence, this Court is inclined to grant bail to the petitioner with certain conditions.

10. 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 I Additional EC & NDPS Court, Chennai** 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;



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[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, 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.

11.02.2026

stn

**K. RAJASEKAR, J.**

stn

**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. The I Additional Judge,  
Special Court for EC & NDPS Act Cases, Chennai
2. The Inspector of Police,  
S-4, Nandambakkam Police Station,  
Chennai. (Crime No.160 of 2024)
3. The Superintendent,  
Puzhal Prison, Chennai.
4. The Public Prosecutor,  
High Court of Madras.

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