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CRL OP No. 35178 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-01-2026

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP No. 35178 of 2025

1. Lingeshwaran
S/o.Gunalan, No. 32, 1st Floor, F
Street, Thiruvalluvar Nagar, Tondiarpet,
Chennai-81.

Petitioner(s)

Vs

1. The State Rep By, The Inspector of
Police
The Inspector of Police, M-1,
Madhavaram Police Station,
Chennai-10. Crime No. 564/2025.

Respondent(s)

PRAYER

To enlarge the petitioner on bail pending investigation in Cr.No.564 of 2025 on the file of the Inspector of Police, M1,Madhavaram Police Station, Chennai.

For Petitioner(s): G.Vinodhkumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.08.2025, for the alleged offence punishable under Sections 8(c) r/w. 22(b), 22(c), 25 and 29(1) of the NDPS Act, 1985 in Crime No.564 of 2025 on the file



of the respondent police, seeks bail.

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2. The case of the prosecution is that on 22.08.2025 at about 09:30 hours, based on a secret information regarding illegal transportation and selling of ganja, the police party went near Arul Nagar Ground, Madhavaram and based on the identification given by the informant, the petitioner and other accused persons were surrounded by the police party; that after identifying them and compliance of Section 50 of the NDPS Act, the petitioner and other accused were searched; that upon search, it is found that the Abhishek, who arrayed as A2 in this case was found in illegal possession of 7 nos. of LSD Stamp - 0.12 Mg and the petitioner/ Lingeshwaran, who arrayed as A3 in this case was in possession of 2.70 grams of Methamphetamine; that A1 was found in possession of 11.60 grams of MDMA Estacy Pills tablet - 23 nos. and A4 and A5 each were found in possession of 2.30 grams of Methamphetamine; that upon further investigation, two other accused/ A6 & A7 were also arrayed as accused in this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner went to Arul Nagar Ground, Madhavaram at about 09:00 a.m. on 22.08.2025, he has been falsely implicated in this case and he is in judicial custody since 22.08.2025. He further submitted that the petitioner was alleged to be in possession of intermediate quantity of contraband and further contended



that since the seizure was taken place in a public place, the samples were not taken in the presence of learned Magistrate and no public witnesses were utilized in this case, hence Section 50 of the NDPS Act has not been complied with. He also relied on the judgment of the Hon'ble Apex Court in *Mohd. Muslim vs. State (NCT of Delhi) [AIR 2023 SC 1648]* and *Yusuf vs. State [AIR 2023 SC 5041]* and the judgment of the High Court of Allahabad in *Jamil Akhtar Miyan vs. Union of India [MANU/UP/0140/2024]* to support his contention; and that the petitioner is ready to abide by any conditions that may be imposed by this Court and sought for bail to the petitioners.

4. This Court, after considering merits of the case, dismissed the bail petition of the petitioner twice. This is the 3rd bail application. The learned Government Advocate submitted that the investigation is not yet concluded. Considering the fact that, there is no change in circumstances and I am not inclined to reconsider the earlier order. Accordingly, this Criminal Original Petition is dismissed.

07-01-2026

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



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1. The State Rep By, The Inspector of Police
The Inspector of Police, M-1,
Madhavaram Police Station,
Chennai-10. Crime No. 564/2025.
2. The Public Prosecutor,
High Court, Madras.



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K.RAJASEKAR J.
mpa

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