



CRL OP(MD). No.2450 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25.03.2026

PRESENT

THE HONOURABLE MR. JUSTICE P. DHANABAL

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A.Ibrahim Aslam

...Petitioner/A2

Vs

The Union of India
Rep. by Jr. Intelligent Officer
Chennai Zonal Unit,
camped at Madurai
(NCB F.No.48/1/01/2025/NCB/MDS)

...Respondent/Complainant

For Petitioner : Mr.B.William

For Respondent : Mr.C.Arulvadivel @sekar

Special Public Prosecutor for NCB Cases

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in NCB F.No.48/1/01/2025/NCB/MDS on the file of the respondent police.



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ORDER : The Court made the following order :-

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The petitioner / A2, who was arrested and remanded to judicial custody on 19.02.2025 for the offences punishable under Sections 8(c), 22,23,28 and 29 of NDPS Act,1985 in NCB F.No.48/1/01/2025/NCB/MDS on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused were found in illegal possession of 982 grams of Methamphetamine . Hence the case.

3. The learned counsel for the petitioner would submit that the respondent police has registered a false case against the petitioner. The petitioner was unlawfully apprehended in connection with the present case on 23.01.2025 at his residence in Delhi and he was unlawfully held in unlawful custody for 28 days during which he was subjected to coercion and undue pressure to falsely confess to the alleged offence. Following his arrest on 23.01.2025 he was transported to the NCB office, Delhi. On 24.01.2025 at 5.30 pm., he was forcibly transferred from Delhi to Chennai via an Air India Flight , arriving in Chennai at 8.30 p.m., Thereafter he was



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detained at the NCB office in Ayappakkam, Chennai for one day at about

4.30 p.m., he was moved to Golden Residency in Koyambedu where he was

remained in custody for three days. On 28.01.2025 at about 7.00 pm., he was

transported to the NCB office in Madurai reaching his destination by 7.00

a.m., on 29.01.2025. He was held in unlawful custody at the Madurai NCB

Officer for the remaining period until 19.02.2025. On 19.02.2025 a

fabricated confession statement was recorded and the same was presented

before the learned Judicial Magistrate, Ambattur and thereafter he was

remanded to judicial custody. However the respondent has falsely recorded

the petitioner's arrest as having occurred in Chennai on 19.02.2025. This

misrepresentation appears to have been facilitated by a police complaint

lodged by the petitioner's wife on 18.02.2025 before the Ramanathapuram

police Station, Uthipuli reporting the petitioner missing. First Information

Report in Crime No. 31 of 2025 was registered. The first bail application

was dismissed in the stage before completion of investigation and no

possession or recovery has been effected against the petitioner. The

respondent without completing the investigation filed the complaint dated

07.08.2025. Investigation has not been completed within the stipulated

period and one witness was examined on 28.10.2025. and the matter is

posted for continuation for trial on 12.01.2026. The petitioner being



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implicated as conspirator . However no material evidence , documents or admissible records have been collected to substantiate the allegation of conspiracy against the petitioner as per the charge sheet. The petitioner is in custody from 19.02.2025. Even in the arrest they stated that a white colour crystalline substance believed to be Amphetamine whereas in the charge sheet mentioned as Methamphetamine. Therefore in the arrest memo grounds of arrest have not been correctly mentioned and the same is in violation of Article 22 of the Constitution of India and hence the custody of the petitioner is illegal. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that on the basis of secret information the NCB officer along with independent witness mounted surveillance near Devakottai Bus stand, Sivagangai on 22.01.2025 at about 8.00hrs one person was standing in the bus stand and on suspicion made enquiry and found that he is in possession of 1 kg of Methamphetamine . He revealed that he got friendship with the petitioner through one Kasim and the said Kasim worked as Kuruvi to the petitioner herein and he got the contraband from the petitioner at Noida and handed over it to A3/Ravi on the instructions of the petitioner. Based on the information received from the



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first accused the respondent police issued summons to the petitioner and he also appeared on 25.01.2025 and stated that he was not in a good health condition ,therefore issue another summon dated 18.02.2025 to appear on 19.02.2025. During enquiry he admitted the identity of A1 and mobile of the petitioner was also seized during enquiry and call details also sought for from the concerned authorities. Thereafter the petitioner was remanded on 20.02.2025. Thereafter the petitioner lodged complaint before the Special Court for EC and NDPS Act Cases and the same was taken on file in CC No. 157 of 2025 and now the case is posted for trial and already P.W.1 was examined and the case is posted for examination of PW.2. There is a presumption under Section 35 of NDPS Act for the for the culpable state of mind. As per Section 54 of NDPS Act it may be presumed unless and until the contrary is proved that the accused has committed offence under this act for the possession in which he fails to account satisfactorily. Further the petitioner has not satisfied the twin condition as per Section 37 of the NDPS Act, therefore the petition is liable to be dismissed.

5. This Court heard both sides and perused the materials available on record.



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6. Considering the rival submissions made by the learned counsel on

either side and also considering the fact that the quantity involved in this case is commercial quantity and trial has been commenced and P.W.1 was already examined and the case stands for examination of other witness and considering the gravity of offence, at this stage it is not appropriate to allow this petition. As far as the grounds raised by the petitioner is concerned can be tested during trial.

7. Hence the petition stands dismissed.

(P D B J)
25.03.2026

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To

1.The Principal District and Sessions EC and NDPS Act Cases, Madurai

2 .The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P. DHANABAL, J

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ORDER
IN
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