

(2025) 11 MAD CK 1977

In the Madras High Court

Case No : Criminal Original Petition No. 29104 Of 2025

Ajimal

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 17-11-2025

Acts Referred:

Narcotic Drugs And Psychotropic Substances Act, 1985 — Section 8(c), 20(b)(ii)(A),
22(c), 29(i), 37
Bharatiya Nyaya Sanhita, 2023 — Section 269

Citation : (2025) 11 MAD CK 1977

Hon'ble Judges : K. Rajasekar, J

Bench : Single Bench

Advocate : S.Titus, A.Gopinath

Judgement

K. Rajasekar, J

1. The petitioner, who was arrested and remanded to judicial custody on 17.09.2025, for the alleged offence punishable under Section 8(c) r/w 20(b)(ii)(A), 22(c) and 29(i) of NDPS Act, 1985 in Crime No.60 of 2025 on the file of the respondent police, seeks bail.

2. The allegation against the petitioner is that he is ranked as A3 in this case. It is alleged that the petitioner along with other accused, was involved in the illegal sale of methamphetamine and MDMA tablets, which were sourced from Karnataka and distributed to various persons, including students in and around colleges in Coimbatore. Originally, A1 was arrested in possession of 150 grams of methamphetamine and 110 grams of ganja. Based on his statement, the involvement of other accused came to light on 15.03.2025. As per the statement of A1, on 13.03.2025, A1 and A2 went to Bangalore, purchased the contraband and returned to Coimbatore by train, however on seeing the police they ran away from the spot. Subsequently on 15.03.2025, A1 was arrested, and based on his confession, A2 and A3 were arrested near Rathinam College, Echanari, Coimbatore. At the time of arresting A2, he was found in possession of 14.5

grams of MDMA tablets, while the petitioner (A3) was found in possession of 15 grams of MDMA tablets kept in a zip lock cover. During the course of investigation, seven accused have been arrested in total, The seized contraband was sent to the Forensic Department, and it was revealed that the seized contraband is not MDMA tablets, but it is a Methamphetamine. Further, investigation is pending and the final report has been filed. Hence, the case.

3. The learned counsel for the petitioner submitted that the arrest and the alleged seizure are fabricated. To substantiate this contention, he relied upon various documents and video recordings obtained from the Kayamkulam Police Station, Kerala. According to him, when the police party went to the native place of the petitioner, they enquired about him and sought the assistance of the local police for the purpose of arresting the petitioner. He further submitted that the petitioner was taken into custody from his residence, brought to the Kayamkulam Police Station, and thereafter handed over to the respondent police, who subsequently brought him to Coimbatore, and hence a false case was registered against the petitioner. He would further submit that the petitioner is in judicial custody from 21.03.2025 and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that though the special team had went to the place of house of the petitioner for verification, the petitioner was not arrested at that time. It is further submitted that the respondent police arrested the petitioner on 21.03.2025, and at the time of arrest, the petitioner was found in possession of 15 grams of methamphetamine. Hence, he opposed for the grant of bail to the petitioner. He has also relied on the counter filed by the respondent is reads as follows:

"18. It is submitted that the respondent herein specifying denies the averments contained in the bail petition except those that are admitted herein.

i. The averment no.1 of the petitioner that, on 20.03.2025 at 9.00 A.M., Jecis Udayaraj, Sub Inspector of Police and two Constables came to the hotel of the petitioner by name "Deey Thattukadai" near K.S.E.B Randam Kutty Office, Kayamkulam Circle, Alapuzhal, Kerala and took the petitioner with them for enquiry to Coimbatore after informing Kayamkulam Police Station is denied as false and incorrect. In fact he was arrested on 21.03.2025 near Rathinam College, Echanari, Coimbatore by me in this case and 15 gram of Methamphetamine was seized from him.

iv. The averment no.4 of the petitioner that, the father of the petitioner gave a complaint dated 30.04.2025 to the Commissioner of Police, Coimbatore City is denied as incorrect. It is further submit that, I am not aware whether Kerala State Human Rights Commission is enquiring a complaint No.4167/2025, called for a report from Superintendent of Police, Alapuzha District and the Superintendent of Police submitted a report to the said Human Rights

Commission. So far we have not received any summon/Notice from the Hon'ble Commission.

v. The averments no.5 of the petitioner that, the petitioner was arrested from his house on 20.03.2025, taken to Kayamkulam Police Station in Alapuzha District, nothing was recovered from him and falsely connected in this case by Sub Inspector Jecis Udayaraj are denied as false. In fact when I arrested the petitioner Ajimal on 21.03.2025 at 10.30 a.m., near Rathinam College, Echanari, Coimbatore, I seized 15 gram MDMA, a zip lock cover along with two cell phones under a seizure mahazar.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. On perusal of the records and other materials, and based on the statement of the first accused, it is revealed that he along with other accused A2, had gone to Karnataka and brought the contraband, a portion of the same was handed over to the petitioner herein. The petitioner was not involved in the transportation or possession of the larger quantity of 300 grams of methamphetamine, as stated by A1.

7. I have also taken note of the submissions made by the learned counsel for the petitioner, that on 20.03.2025, the police party had already visited the house of the petitioner and enquiry was also conducted at the Kayamkulam Police petitioner and this Court is inclined to grant bail to the petitioner.

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, for a like sum to the satisfaction of the learned 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 surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the concerned Court daily at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation;

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

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

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the 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)AIR SCW 5560];

[f] If the accused thereafter absconds, a fresh FIR can be registered under

Section 269 B.N.S.