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Crl.O.P.No.2391 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-03-2026

CORAM

THE HONOURABLE MR JUSTICE C. KUMARAPPAN

CRL OP NO.2391 of 2026

Baushaputia Raj

... Petitioner/ Accused

Vs

The State rep. by,
The Inspector of Police,
PEW Anna Nagar Unit.
(Crime No.419 of 2024)

... Respondent

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.670 of 2025 pending trial before the I Additional Special Court under EC & NDPS Act at Chennai.

For Petitioner(s) : Mr. D. P. Vishal

For Respondent(s) : Mr. S. Vinoth Kumar
Government Advocate (Crl. Side)

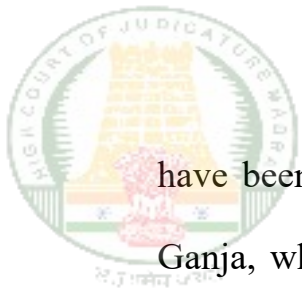
ORDER



The petitioner, who was arrested and remanded to judicial custody on **01.12.2024** for the alleged offence **under Sections 8(c) r/w 20(b)(ii)(c) and 29(1) of the NDPS Act** in **C.C.No.670 of 2025** pending trial before the I Additional Special Court under EC & NDPS Act at Chennai, seeks bail. The earlier bail application of the petitioner was dismissed by this Court, vide order dated 14.11.2025 in Crl.O.P.No.18721 of 2025.

2. The case of the prosecution is that on 30.11.2024 at about 22:45 hours based on a specific information, the respondent team went to the place of occurrence and intercepted the petitioner herein (A1) and one Basudeb (A2); that after complying all the mandatory provisions under the NDPS Act, search was conducted and 9.780 kilograms and 10.959 kilograms of Ganja was seized from the possession of the petitioner herein and A2; that thereafter, their statements were recorded, which revealed the involvement of one Akash Mottu (A3) and Hari (A4) in the said offence and leads to another seizure of 2 kilograms of Ganja from A3; that during the course of investigation, it is further revealed that the accused had illegally purchased the contraband from Odisha and selling the same for their personal gain. Hence, this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is in judicial custody since 01.12.2024; that the contraband alleged to



have been seized from the petitioner herein alone is only 9.780 kilograms of Ganja, which does not fall within the definition of commercial quantity; that there are two separate seizures were made and there is no material connecting the petitioner with other accused in this case, hence Section 37 of the NDPS Act is not applicable to the case of this petitioner; and that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the Respondent Police while opposing the bail to the petitioner, reiterated the prosecution case and submitted that the total quantity of contraband seized in this case is 22.739 kilograms of Ganja, which is a commercial quantity. He also submitted that the accused were traveling together and were acting as per the instructions of A4, hence the petitioner could not claim that he is not aware about the possession of contraband with the co-accused and there are separate seizures. He also submitted that the charge sheet has been filed and the case is posted for framing of charges and the petitioner is hailing from Odisha, hence if the petitioner is enlarged on bail, there is every possibility that he would abscond and hamper the trial process.

5. I have given my anxious consideration to either side submissions



and perused the materials available on record.

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6. From the submissions made by the learned Government Advocate (Crl. Side), it is seen that the petitioner has involved in illicit trafficking of Ganja from Odisha to Tamil Nadu and the seized contraband in this case is of commercial quantity. Though, it is stated that the petitioner is in judicial custody since 01.12.2024, the contention raised by the learned Government Advocate (Crl. Side) appearing for the respondent cannot be outrightly rejected, since rigors of Section 37 of the NDPS Act is applicable to the case of the petitioner and also the fact that, the trial in this case is posted for framing of charges and if the petitioner is enlarged on bail, there is a possibility that he would abscond and hamper the trial process. Hence, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this criminal original petition stands dismissed.

04.03.2026

stn

To

1. The Inspector of Police,
PEW Anna Nagar Unit.
(Crime No.419 of 2024)



2. * The Public Prosecutor,
High Court of Madras

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C. KUMARAPPAN, J.

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