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CRL OP No. 4178 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 4178 of 2026

Sameer Uddin S/o. Ameer uddin,
No.78, B Block, sharda nagar,
Nariyal Kheda Huzur,
Bhopal District,
Madhya Pradesh State.

..Petitioner(s)

Vs

State represented by its:

The Inspector of Police,
Deevattipatti Police Station,
Salem District.
(Crime No. 104/2025)

..Respondent(s)

PRAYER: The Criminal Original Petition has been filed under Section 483 of B.N.S.S. praying to enlarge the petitioner on bail in Special CC No.164 of 2025 (Arising out of Crime NO.104 of 2025) on the file of the Hon'ble Court of Special Judge for NDPS Cases, Salem.

For Petitioner(s): T.Saikrishnan

For Respondent(s): Mr. S. Vinoth Kumar,
Government Advocate (Criminal side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.03.2025 for the alleged offences under Sections 8(c) and 20(b)(ii)(C) of



NDPS Act in Cr. No.104 of 2025 on the file of the respondent police, seeks bail.

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2. The *case of the prosecution* is that on 03.03.2025, the petitioner was found in possession of 20.300 kgs of Ganja. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent, he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the petitioner is under incarceration for more than one year since 03.03.2025 and the property, what was from the petitioner is slightly higher from the intermediate quantity and that even according to the FIR, the Ganja has got certain other material and therefore, if steps are weeded out from the contraband, the total quantity would become an intermediate quantity. He further submits that charge sheet has also been filed and the same has been taken on file in C.C. No.164 of 2025 and considering the long incarceration of the petitioner, prayed for grant of bail to the petitioner.

4. The learned Government Advocate appearing for the respondent police strongly opposed the bail application on the ground that there is a commercial quantity involved in this case and therefore, rigors under Section 37(1)(2)(b) of NDPS Act will attract. Apart from that, the learned Government Advocate would further submit that the petitioner is a citizen of Madhya



Pradesh and therefore, if he enlarged on bail, there is every possibility of absconding.

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5. I have given anxious consideration to the submissions made by the learned counsel on either side.

6. While looking at the factual position of the fact that commercial quantity of contraband was recovered, taking into consideration from the averments in the FIR, the ultimate quantity would only become intermediate quantity, however such submission cannot be gone into at this juncture. As far as recovery is concerned, it is a commercial quantity, which would automatically attract Section 37 of NDPS Act. To overcome the rigors under Section 37 of NDPS Act, this Court could not find any material. Considering the submission of the learned Government Advocate that the petitioner is a person from Madhya Pradesh, there is every possibility of absconding, this Court is not inclined to enlarge the petitioner on bail. However, this Court is of the view that speedy trial is essential and this Court expect that the prosecution may proceed with the matter with utmost seriousness.

7. Accordingly, this Criminal Original Petition is **dismissed**.

MJS

12-03-2026



Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.

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 Public Prosecutor, High Court, Madras.
2. The Inspector of Police, Deevattipatti Police Station, Salem District.



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C.KUMARAPPAN, J.

MJS

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