



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-07-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 12629 of 2026

Madhan @ Kulla Madhan
S/o. Kandipan @ Kaneeban,
No.47,Muthumariyamman Kovil Street,
Moongil Eari,Pammal,
Kancheepuram-75.

..Petitioner(s)

Vs

The State Represented by The Inspector of Police
T-4, Sankar Nagar Police Station,
Chennai.
Crime No. 185 of 2025

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner the petitioner on bail in the above C.C.no.1483 of 2025 on the file of the II nd Additional Special Court under EC and NDPS Act ,at chennai in Cr.no.45 of 2026 and thus render justice

For Petitioner(s): Mr.S.Senthilvel

For Respondent(s): Mr.S.Yogaraja Sekar,
Counsel for Government of Tamil Nadu
(Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.03.2025 for the alleged offence under Section 8(c) r/w 20(b)(ii)(C), 25 & 29(1) of NDPS Act, in Crime No.185 of 2025 on the file of the respondent



police, seeks bail.

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2. The case of the prosecution is that the petitioner along with other accused was found in illegal transportation of 0.14 grams of LSD stamps and 60 numbers of Nitrovet tablets weighing 34.08 grams. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that there was a recovery of 60 Nitrovet tablets. According to the prosecution, only 60 Nitrovet tablets were recovered from the petitioner, which do not constitute a commercial quantity. He further submitted that the petitioner has been in judicial custody since 25.03.2025 and that, taking into account the long period of incarceration and the further fact that no commercial quantity of contraband was recovered from the petitioner, he has overcome the rigours under Section 37 of the NDPS Act. He further submitted that the petitioner has been falsely implicated in the present case and that he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for the grant of bail to the petitioner.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent Police reiterated the prosecution case and



submitted that both the petitioners were intercepted while they were travelling on a two-wheeler and that, upon search, 60 Nitrovet tablets were seized from A2 and 0.14 grams of LSD stamps were recovered from A1. Therefore, though no commercial quantity of contraband was recovered from A2, both the petitioners were intercepted and searched while they were travelling together, and a commercial quantity of contraband was recovered from A1. Therefore, the same has also to be taken against him. He further submitted that the delay in incarceration cannot be pleaded in the present case and, therefore, the petitioner has to satisfy the rigours under Section 37 of the NDPS Act and that the delay in trial cannot always be a ground to overcome the rigours under Section 37 of the NDPS Act. He further submitted that the petitioner has 10 previous cases, out of which one is under Section 302 IPC, another is under Section 307 IPC, and one case is of a similar nature. He further submitted that the petitioner is a history-sheeter. Hence, he strongly objected to enlarging the petitioner on bail.

5. I have given my anxious consideration to either side submissions and perused the materials available on record.

6. Coming to the recovery aspect, no doubt, from the petitioner, only an intermediate quantity of 60 Nitrovet tablets was recovered. However, as rightly contended by the learned Government Advocate (Crl. Side), the search was

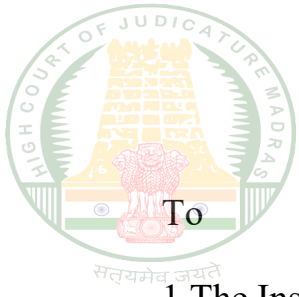


made while both the accused were travelling together and, from the first petitioner, a commercial quantity of the contraband was recovered. Therefore, clubbing the recovery from the first petitioner as against the second accused cannot be faulted and, if at all the petitioner has any case, it is only for him to effectively defend the same before the trial Court. Coming to the long incarceration, the petitioner has been under incarceration since 25.03.2025. However, the mere delay in trial alone cannot be a ground to overcome the rigours under Section 37 of the NDPS Act and it is only one year. While looking into the progress of the trial, now that the charge sheet has been filed, the case is posted on 15.07.2026 for framing of charges. In such view of the circumstances, this Court could not find any abnormal delay in proceeding with the trial. Accordingly, this Court is of the firm view that, from the submissions made by the learned counsel for the petitioner, this Court could not find any ground to overcome the rigours under Section 37 of the NDPS Act and that the petitioner has a long criminal history, which also includes one NDPS case. Therefore, this Court is not inclined to enlarge the petitioner on bail.

7. Accordingly, this Criminal Original Petition is dismissed.

02-07-2026

DRL



To

1. The Inspector of Police
T-4, Sankar Nagar Police Station,
Chennai.

2. The Public Prosecutor,
High Court, Madras.



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C.KUMARAPPAN, J.

DRL

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