



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-07-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 12595 of 2026

Shamnad

..Petitioner

Vs

State Rep. by,
The Inspector of Police,
Ambattur PEW, Chennai.
Cr.No.568 of 2024

..Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail pending in C.C.No.184 of 2025 pending on file of the I Additional Special Judge, Special Court for EC Act Cases, Chennai.

For Petitioner: Mr.M.G.Martinmanivannan

For Respondent: Mr.S.Yogaraja Sekar
Counsel for Government of Tamilnadu
(Criminal Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.12.2024 for the alleged offences under Sections 8(c), 20(b)(ii)(c) & 29(1) of NDPS Act, in Crime No. 568 of 2024 on the file of the respondent police, seeks bail.



2. The case of the prosecution is that the petitioner along with other accused was found in possession of 25kg of ganja. Hence, the case was registered.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. The learned counsel for the petitioner contended that the prosecution failed to produce evidence to show that A1 and A2 were in joint possession of the contraband, so as to qualify the quantity as a commercial quantity. The learned counsel would also submit that the petitioner will abide by any conditions imposed by this Court and will not abscond. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the case involves commercial quantity and the offence attracts the rigour under Section 37 of the Narcotic Drugs and Psychotropic Substances Act (NDPS), 1985 Act. It is further submitted that the petitioner has not satisfied the twin conditions contemplated under Section 37 of the NDPS Act and therefore, he is not entitled to bail.

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



6. A perusal of the records reveals that the petitioner and the first accused were together and in joint possession of contraband weighing 25 kg specifically, 10 kg of Ganja from the petitioner and 15 kg of Ganja from the first accused.

Considering the nature of the allegations and the fact that the case involves a commercial quantity, the rigours of Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, squarely apply. Further, the petitioner has failed to satisfy the twin conditions contemplated under Section 37 of the NDPS Act. Hence, this Court is not inclined to grant bail to the petitioner

7. Accordingly, this Criminal Original Petition stands dismissed.

17-07-2026

NSL

To

1. The Inspector of Police, Ambattur PEW, Chennai.
2. The Public Prosecutor, High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

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