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CRL OP Nos. 12543 and 13707 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP Nos.12543 and 13707 of 2026

CRL OP No. 12543 of 2026

Surya @ Soundhrapandi

..Petitioner

CRL OP No. 13707 of 2026

Ravichandran@Vettaiyan Ravi

..Petitioner

Vs

The State Rep By,
The Inspector of Police
Vellode Police Station,
Erode District.
Crime No.87 of 2024.

..Respondent in both
Crl.OPs.

Prayer: Criminal Original Petition filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.87 of 2024 in CC.No.38 of 2025 pending before the file of Additional District and Special Court for trial of cases under the EC act, Coimbatore.

Prayer: Criminal Original Petition filed under Section 483 of BNSS to enlarge the petitioner on bail pending trial in connection with CC.No.38 of 2025 on the file of the Special Court for Trial of cases under the EC and NDPS Act, Coimbatore.



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For Petitioner:

Mr.R.Thamarai Selvan

For Respondent:

Mr.S.Yogaraja Sekar,
Counsel for Government of Tamil Nadu

COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 29.05.2024 and 30.05.2024 respectively for the alleged offences under Sections 8 (c), 20 (b) (ii) (C), 25, 29 (1) and 27A of NDPS Act, 1985 and 8(c) r/w.20(b) (ii)(c), 25, 27A and 29(15) of Narcotics Drugs and Psychotropic Substances Act 1985 respectively in CC.No.38 of 2025 on the file of the Additional District and Special Court for trial of cases under the EC Act, Coimbatore in Crime No.87 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with others were found in illegal possession of 150 Kgs of Ganja (2kgs x 75 covers = 150Kgs). Hence, the case.

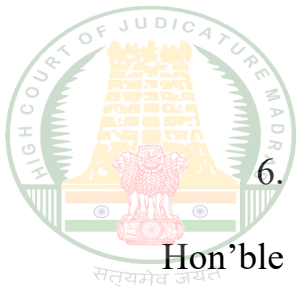
3. The learned counsel for the petitioner would contend that the petitioner in Crl.OP.No.12543 of 2026 is arrayed as A3 and the petitioner in Crl.OP.No.13707 of 2026 is arrayed as A1. It is also the submission of the learned counsel for the petitioner that 24 accused were already released on bail



and one accused has already been granted anticipatory bail. Out of total 28 accused, these petitioners alone are incarcerated since 29.04.2024. The learned counsel for the petitioners further contended that petitioner as A3 has no previous case, though A1 has 15 previous cases, out of which three are NDPS cases.

4. It is the contention of the learned counsel for the petitioners that although 150 kg of ganja was recovered, the recovery was not made from the residence of the petitioners, but from the residence of A2. Since because these petitioners were also along with A2, they have been implicated in the present case.

5. The learned counsel for the petitioner relied upon the judgment of the ***High Court of Punjab & Haryana at Chandigarh in the case of Sukhdev Singh Vs. State of Punjab CRM-M-53872-2021(O& M) dated 27.04.2022*** and contended that the quantity recovered from the other accused cannot be clubbed with this accused and based on such ratio, the learned counsel for the petitioner submitted that in the case in hand, there is no recovery from these petitioners. What was recovered is only from the residence of A2. In similar line, the learned counsel for the petitioner has also relied upon the order of this Court in Crl.OP.No.6686 of 2026.



6. The learned counsel for A3 also relied upon the judgment of the Hon'ble Supreme Court in the case of *Bharat Chaudhary v. Union of India* reported in (2021) 20 SCC 50.

7. It is the contention of the learned counsel for the petitioner that in the case of *Ankur Chaudhary v. State of Madhya Pradesh* reported in 2024 SCC OnLine SC 2730, the Hon'ble Supreme Court has held that the delay in trial and prolonged incarceration militate against the fundamental right guaranteed under Article 21 of the Constitution of India. In this case, the petitioner has been incarcerated since 29.05.2024, yet the trial has not commenced, and there are 28 prosecution witnesses. Therefore, there are no possibilities for an early disposal of the trial. Hence prayed to enlarge the petitioners on bail.

8. The said contention was objected by the learned Govt counsel (Crl.Side) (Crl.Side) and contend that the recovery from these petitioners is 150 kg of ganja and the recovery of ganja was taken from the residence of A2, when these petitioners were also stayed there. Therefore, the recovery has to be construed as conscience possession of A1 to A3. There are records to show that there are money transactions between these petitioners.

9. It is the contention of the learned Govt counsel (Crl.Side) (Crl.Side) that though the co-accused released on bail, there was no recovery from them



and they are only the purchaser of contraband from these petitioners and recovery from them is only a small quantity.

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

11. The main contention put forth by the learned counsel for the petitioners is that there was no recovery from these petitioners. However, this Court is not in a position to accept such an contention. The recovery was made from the residence of A2, where these petitioners were also there along with A2. In such view of the circumstances, this Court is of the firm view that there is *prima facie* material as to the conscious possession of commercial quantity of contraband of 150 kilogram of ganja. Therefore, the ruling relied upon by the learned counsel for the petitioners pertains to instances where no recovery was made from the accused concerned. However, in the case in hand, there was a recovery.

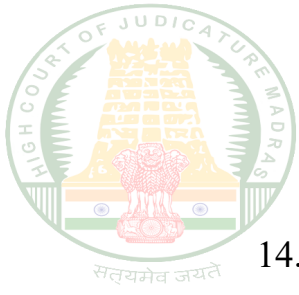
12. The next contention put forth by the learned counsel for the petitioner is in respect of prolonged incarceration. No doubt, the petitioners have been incarcerated since 29.05.2024 and 30.05.2024 respectively. However, mere long incarceration by itself cannot be a ground for enlargement of bail in all the cases as a matter of right. In the case in hand, there are 28 accused and the trial could



not be proceeded due to the deliberate conduct of some of the accused and their absence. Therefore, the contention putforth by the learned Govt counsel

(Crl.Side) that the prosecution alone cannot be found faulted for such a delay is a reasonable one. Therefore the ground raised by the learned counsel for the petitioner in respect of delay in trial also must fail.

13. Coming to the aspect of parity, it is the contention of the learned counsel for the petitioner that 25 co-accused were enlarged on bail and anticipatory bail. Although this factum was not seriously disputed by the learned Government Advocate (Crl. Side), he urged this Court to look into the counter-statement details regarding the recoveries made from those individuals. From many of the co-accused, there was no recovery, and from certain others, the recovery was of a small or intermediate quantity. however, they have been roped into the case, as they have purchased contraband from these petitioners. Therefore, as rightly contented by the learned Govt counsel (Crl.Side), parity cannot be granted as a matter of right, parity should be granted only based upon the role played by the individual accused. In the present case, the co-accused who were granted bail were either found with a small or intermediate quantity, whereas the recovery linked to these petitioners involves a commercial quantity of 150 kg of ganja. Therefore, this Court is of the firm view that this Court could not find any grounds to overcome the rigour under section 37 of the NDPS Act.



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14. Accordingly, these Criminal Original Petitions stand dismissed.

15. Considering the prolonged incarceration of the petitioner, the trial Court is expected to dispose the trial as expeditiously as possible, and the prosecution is directed to take all necessary steps to proceed with the trial without any further delay.

30-06-2026

SHL

To:

1. The Inspector of Police
Vellode Police Station,
Erode District.

2. The Public Prosecutor
High Court of Madras



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CRL OP Nos. 12543 and 13707 of 2



C.KUMARAPPAN J.

SHL

**CRL OP Nos. 12543 and
13707 of 2026**

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