



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-07-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 15670 of 2026

Seniammal

..Petitioner

Vs

The State Rep by
The Sub-Inspector of Police,
H6, R.K.Nagar Police Station,
Chennai,
Crime No.335 of 2025.

..Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner on Bail pending investigation in the C.C.No.600 of 2026 on the File of the learned I Additional Special Judge, EC and NDPS Act, Chennai.

For Petitioner:

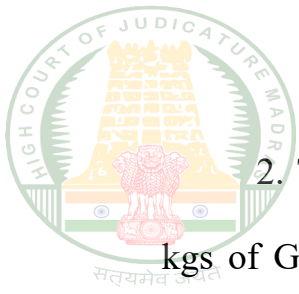
P.Santhosh

For Respondent:

Mr.S.Yogaraja Sekar
Counsel for Government of Tamil Nadu
(Criminal Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.05.2025 for the alleged offence under Sections 8(c) r/w 20(b)(ii)(B) and 25 of Narcotic Drugs and Psychotropic Substances Act, 1985 @ under section 8(c) r/w 20(b)(ii)© and 25 and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.335 of 2025 on the file of the respondent police, seeks bail.



2. The case of the prosecution is that the respondent police seized 1.640 kgs of Ganja from A6. The accused person given confession statement about A1/petitioner. Subsequently, the respondent police seized 21 kgs of Ganja from the A1/petitioner. Hence, the case.

3. The learned counsel for the petitioner submitted that there are about 5 accused and this Petitioner has been arrayed as A1. All other accused have already been enlarged on bail, except this petitioner. It is the contention of the learned counsel for the petitioner that the petitioner is entitled to have parity by relying upon the seizure mahazar where it has been referred that at the time of recovery, A1 and A2 were present. He also relied upon the bail order granted to A2/ Nataraj in Crl.OP.No.1971 of 2026.

4. The said contention was totally objected by learning Government Advocate (Crl.Side) and submitted that though this petitioner is a family member, at the time of granting bail to Nataraj/A2, this Court has come to the conclusion that the entire recovery was from this petitioner. Therefore, even any grant of bail to A2, will in no way benefit to the petitioner and in the earlier order, this Court has found that the entire recovery was made from A1. That being the case, the recovery of 21 kg of Ganja, which is of a commercial quantity has been made from A1. Hence, he opposed the grant of bail to the Petitioner.



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

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6. Considering the facts and circumstances of the case; taking note of the submission made by the learned counsel for the petitioner, he would rely upon the seizure mahazar. As rightly observed by him, there are two persons namely, A1 and A2 were found. However, while seeking parity, this Court is of the firm view that in Para 7 of the order in Crl.OP.No.1971 of 2026 dated 06.04.2026, this Court had arrived at a conclusion that there is a finding that there was a recovery of commercial quantity from A1. In such view of the submission, this Court is of the firm view that the petitioner cannot seek parity with that of the A2. Since the Court has already arrived at a conclusion that the commercial quantity of contraband has been recovered from this petitioner and that this being the case of commercial quantity, it is the duty of the petitioner to overcome the rigour under section 37 of the NDPS Act. From the submission made by the learned counsel for the petitioner, this Court could not find any grounds to overcome the rigour under section 37 of the NDPS Act except seeking parity. As we already discussed, the petitioner is not entitled to parity. Hence, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition stands dismissed.

SHL

23-07-2026



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C.KUMARAPPAN J.

SHL

To:

1. The Inspector of Police,
H6, R.K.Nagar Police Station,
Chennai,

2. The Public Prosecutor
High Court of Madras

CRL OP No. 15670 of 2026

23-07-2026