



WEB COPY

CRL OP No. 13681 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-07-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 13681 of 2026

Akash Sarkar

..Petitioner

Vs

State represented by,
The Inspector of Police,
PEW-RK PET Police Station,
Thiruvallur District. (Cr.No.108/2025).

..Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail pending in CC No.23 of 2026 on the file of the I Additional Special NDPS Court.

For Petitioner: Mr.O.Chembulingam

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 11.07.2025 for the alleged offences under Sections 8(c) r/w 20(b)(ii)(C) and 29(1) of the NDPS Act, 1985 in Crime No.108 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner, along with the other accused, was found in possession of 25.650 kilograms of ganja.



3. The learned counsel appearing for the petitioner would submit that the petitioner has been in judicial custody since 11.07.2025. It is submitted that there are five accused in the case. The learned counsel for the petitioner would further submit that according to the seizure mahazar, 13 bundles were recovered, out of which 12 bundles contained 2 kilograms each and one bundle contained 1.5 kilograms of ganja. However, the respondent police did not produce the empty covers before the learned Magistrate or the Trial Court. In support of the said contention, he relied upon the judgment of this Court in Crl.M.P.No.5910 of 2023 in Crl.A.No.477 of 2023 dated 14.06.2023. Hence, he prayed for the grant of bail.

4. The learned Government Advocate (Crl.Side) opposed the bail application and submitted that the total recovery from the petitioner is 25.650 kilograms of ganja, which is a commercial quantity. It is further submitted that the issue regarding non-production of the empty covers is a matter to be decided during trial. The judgment relied upon by the petitioner relates to an appeal against conviction and not to a bail application. Hence, the petitioner has failed to satisfy the twin conditions under Section 37 of the NDPS Act.

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



6. The petitioner is arrayed as A1 and according to the prosecution, the recovery from him is 25.650 kilograms of ganja, which is a commercial quantity. The main contention of the petitioner is with regard to the non-production of the empty covers. Though such a submission has been made, as rightly contended by the learned Government Advocate (crl.side), the said issue is a matter for trial and cannot be adjudicated at the stage of considering the bail application. Further, the judgment relied upon by the petitioner relates to an appeal against conviction and not to a bail application. Therefore, this Court does not find any material to hold that the petitioner has overcome the rigour under Section 37 of the Narcotic Drugs and Psychotropic Substances (NDPS) Act. This being a case involving commercial quantity, no ground is made out to enlarge the petitioner on bail. Hence, this Court is not inclined to enlarge the petitioner on bail.

7. Accordingly, this criminal original petition stands dismissed.

24-07-2026

NSL

To

1. The Inspector of Police, PEW-RK PET Police Station,
Thiruvallur District.

2. The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN, J.

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