

CRL OP(MD). No.14974 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21.07.2026

PRESENT

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP(MD)No.14974 of 2026

Muthupullani

... Petitioner / Accused No.1

Versus

The State of Tamil Nadu,
Rep by the Inspector of Police,
Thirupullani Police Station,
Ramanathapuram District.
(Crime No.25 of 2026)

... Respondent / Complainant

PRAYER :-Criminal Original Petition filed under Section 483 of the BNSS, 2023, to enlarge the petitioner on bail in Crime No.25 of 2026 on the file of the respondent police.

For Petitioner : Mr.Antony Santhosh,
Advocate

For Respondent : Mr.T.Lenin Kumar,
Counsel for State of TN
(Crl. Side)



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ORDER : The Court made the following order :-

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The petitioner / Accused No.1, who was arrested and remanded to judicial custody on 01.02.2026, for the offences punishable under Sections 8(c), 20(b)(ii)(C), 25 and 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.25 of 2026 on the file of the respondent police, seeks bail.

2. The allegation against the petitioner is that the petitioner joined hands with other accused was found in possession of 21.500 kgs of Ganja in a car and that the petitioner and other accused were arrested with contraband. Hence, the case has been registered.

3. The learned counsel appearing for the petitioner submitted that this is the fourth bail application. He contended that, as per the First Information Report, it has been stated that the petitioner was found in possession of 20 kilograms of ganja, whereas the seizure mahazar reflects the quantity as 21.500 kilograms. According to the learned counsel, there is no explanation for the said discrepancy in the quantity, and therefore, the petitioner is entitled to be enlarged on bail. He is in



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custody from 01.02.2026 and ready to abide any condition imposed by this Court. Hence, he prayed bail for the petitioner.

4. Per contra, the learned Counsel for State of TN (Criminal Side) submitted that submitted that such discrepancies, if any, cannot be gone into at the stage of considering a bail application. He further submitted that it is well settled that such factual discrepancies are matters for trial and can be established only by adducing evidence and by cross-examining the prosecution witnesses, particularly the seizure officer. Placing reliance on the decision of the Hon'ble Supreme Court in ***Bharat Aambale vs. The State of Chhatisgarh*** reported in **[2025 8 SCC 452]**, he submitted that the alleged discrepancy cannot be a ground for grant of bail. Accordingly, he prayed for dismissal of the petition.

5. This Court heard both sides and perused the materials available on record.

6. The alleged discrepancy regarding the quantity of contraband seized is a disputed question of fact, which can be established only



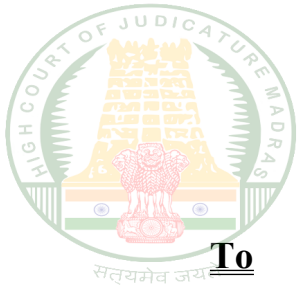
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during the course of trial by adducing evidence and by cross-examining the prosecution witnesses, particularly the seizure officer. Such a disputed question of fact cannot be adjudicated at the stage of considering a bail application. In this regard, the Hon'ble Supreme Court, in *Bharat Aambale v. State of Chhattisgarh* reported in (2025) 8 SCC 452, has held that disputed questions relating to seizure, recovery, or other factual aspects of the prosecution case are matters to be decided during trial on the basis of evidence and cannot, by themselves, constitute a ground for grant of bail. Further, this is the fourth bail application. The grounds now urged by the petitioner, as well as the other grounds, have already been considered and rejected by this Court while dismissing the earlier bail applications. No subsequent change in circumstances or other supervening circumstance warranting reconsideration has been made out. Accordingly, this Court finds no valid ground to enlarge the petitioner on bail. Hence, this Criminal Original Petition is dismissed.

21.07.2026

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To

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1. The Inspector of Police,
Thirupullani Police Station,
Ramanathapuram District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.RAJASEKAR,J.

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ORDER
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