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Crl. O.P. No.2426 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2426 of 2025

Sangeeth Kumar, M-27 Years
S/o. Udayakumar,
271/207 GA, Govindasamy Nagar,
Kitchipalayam, Erumapalayam,
Salem

... Petitioner/Accused-1

Vs.

The State
Represented by the Station House Officer,
D' Nagar Police Station through
Special Public Prosecutor,
Puducherry
(Crime No.138 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to
enlarge the petitioner on bail, in connection with the Crime No.138 of 2024,
pending investigation on the file of the respondent.

For Petitioner : Mr. D. Krishnamoorthy

For Respondent : Mr.K.S. Mohandoss
Additional Public Prosecutor (Pondy)



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ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 29.06.2024, seeking bail in Crime No.138 of 2024 registered for the offences punishable under Sections 20(b)(ii)(A), 21(C), 22(C), 23(C) of NDPS Act, 1985 r/w 8(c) of NDPS Act, 1985.

2. This is the second bail application before this Court. The earlier bail application in Crl.O.P. No.24502 of 2024 was dismissed on 03.10.2024 by Hon'ble Mr. Justice P. Dhanabal, on the following grounds:

"5. Considering the representation made by both side learned counsels and considering the gravity of offence, the quantity of contraband involved in this case is commercial quantity and some of the accused also still absconding, I am declined to grant bail to the petitioner at this stage. Accordingly, this Criminal Original Petition is dismissed."



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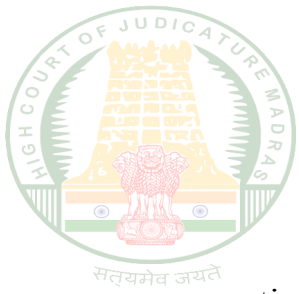
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This bail petition is listed before this Court pursuant to the orders passed by the Hon'ble Division Bench of this Court in Crl.O.P. No.31787/2024 on 04.03.2025.

3. The case of the prosecution is that the petitioner along with the other accused, on secret information, was found in possession of 200 gms of dried ganja, 16 blots of LSD and 180 grams of Hashis oil worth about Rs.25,00,000/-.

4. The learned counsel for the petitioner would submit that, subsequent to the order of dismissal of earlier bail petition, the co-accused, namely, A5, A6 and A5 were granted bail in Crl.O.P. No.32593 of 2024 dated 10.01.2025, Crl.O.P. No.29197 of 2024 dated 10.01.2025 and Crl.O.P. No.1070 of 2025 dated 21.01.2025 respectively and therefore, the petitioner may be released on bail. He further submitted that the respondent has violated the mandatory provisions under Section 50 and 42 of the NDPS Act and hence the petitioner has satisfied the twin conditions under Section 37 of the NDPS Act.

5. The learned Additional Public Prosecutor (Pondy) reiterated the



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prosecution case and submitted that from the petitioner commercial quantity of contraband was seized and that the co-accused who were not similarly placed, were granted bail and hence, the petitioner cannot be treated on par with the other co-accused.

6. This Court had perused the earlier dismissal order passed by the Hon'ble Mr. Justice P. Dhanabal in respect of the petitioner. The learned judge had dismissed the said bail petition on the ground that the allegations against the petitioner are grave in nature and he was in possession of commercial quantity. It is also seen that the co-accused were granted bail on the ground that either there was no contraband seized or the contraband seized from them was intermediate quantity.

7. This Court is of the view that the petitioner cannot be treated on par with those co-accused. Further, in the petition nothing has been stated as to how the petitioner has satisfied the twin conditions under Section 37 of the NDPS Act.



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8. Hence this Court is not inclined to grant bail to the petitioner at this stage. Accordingly, the Criminal Original Petition stands dismissed.

18.03.2025

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To

The Station House Officer,
D' Nagar Police Station through
Special Public Prosecutor,
Puducherry
(Crime No.138 of 2024)



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SUNDER MOHAN., J.

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