



CrI.O.P.No.2406 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 04.04.2025

PRONOUNCED ON : 15.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.2406 of 2025

Shamnad

... Petitioner/A2

Vs.

The State rep. by
The Inspector of Police,
PEW-Ambattur Police Station,
Chennai District.
[Crime No.568 of 2024]

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner/A2 on bail pending investigation in Cr.No.568 of 2024 on the file of the respondent.

For Petitioner : Mr.A.Mohammed Iqbal

For Respondent : Ms.J.R.Archana
Government Advocate (CrI.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner/A2, who was arrested and remanded to judicial custody on 06.12.2024 seeking bail in Cr.No.568 of 2024 registered for the offence under Sections 8(c), 20(b)(ii)(C) and 29(1) of the NDPS Act 1995, as amended



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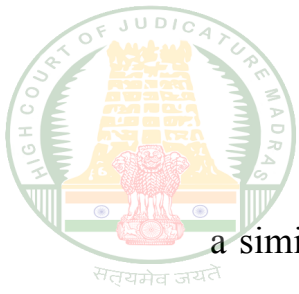
by Act 9/2001.

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2. The case of the prosecution is that the petitioner and the co-accused were intercepted near a bus stand while they were standing in a suspicious manner and a search was conducted; that the first accused was found in possession of 15 kgs of Ganja and the petitioner/A2 was found in possession of 10 kgs of Ganja; and that both were in joint possession of commercial quantity and thus, committed the aforesaid offences.

3. (i) The learned counsel for the petitioner submitted that the allegations are false; that in any case there is nothing on record to show that the petitioner was aware of the alleged possession of Ganja by the co-accused and that they were in joint possession; that only because the petitioner and the co-accused were from Kerala, the petitioner is sought to be implicated for possession of commercial quantity; and that the respondent has not produced any material to prove the connection between the petitioner and the co-accused, except the confession of the accused.

(ii) The learned counsel for the petitioner further submitted that in



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a similar case, this Court had granted bail in Crl.OP.No.27634 of 2024, by holding that merely because the accused travelled together and known each other the possession cannot be said to be a joint possession, and sought for bail.

4. The learned Government Advocate (Crl.Side) *per contra* submitted that though the quantity seized from the petitioner and the first accused individually is an intermediate quantity viz. 10 kgs and 15 kgs of Ganja respectively, the total quantity is 25 kgs and since they were found together, they are bound to satisfy the twin conditions under Section 37 of the NDPS act and prayed for dismissal of the bail petition.

5. This Court has considered the rival submissions and perused the available records.

6. Though the learned counsel for the petitioner relied upon the order passed by this Court in Crl.OP.No.27634 of 2024, this Court is of the view that the said order was passed in the facts of that case. In this case, the petitioner along with the co-accused was in joint possession of 25 kgs of Ganja, though there were independent seizures. The petitioner



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is therefore bound to satisfy the twin conditions under Section 37 of the
WEB CONNDPS Act, which he has not done.

7. Considering the above facts, this Court is not inclined to grant bail at this stage. Accordingly, the Criminal Original Petition stands dismissed.

15.04.2025

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To



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SUNDER MOHAN, J.
ars

1. The Judicial Magistrate, Ambattur.
2. The Inspector of Police,
PEW-Ambattur Police Station,
Chennai District.
3. The Public Prosecutor,
High Court, Madras.

Pre-delivery order in
Crl.O.P.No.2406 of 2025

15.04.2025