



WEB COPY



Crl.OP.No.6789 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 14.03.2025**

**CORAM**

**THE HON'BLE MR. JUSTICE SUNDER MOHAN**

**Crl.O.P.No.6789 of 2025**

Murugesan

.. Petitioner/Accused No.2

Vs.

The State rep by  
The Inspector of Police,  
Rasipuram Police Station,  
Namakkal District.  
(Crime No.649 of 2023)

.. Respondent

**PRAYER:** This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in connection with the Crime No.649 of 2023 on the file of the respondent Police.

For Petitioner : M/s.C.Deepak Kumar

For Respondent : Mr.Leonard Arul Joseph Selvam  
Government Advocate(Crl.Side)

**ORDER**

This is the third bail application filed by the petitioner.



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2. Though the earlier anticipatory bail petition of the petitioner was dismissed by my learned predecessor, Hon'ble Justice T.V.Thamilselvi, this 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 of 2024 on 04.03.2025.

3. The case of the prosecution is that the petitioner/Accused No.2 along with other accused were found in illegal possession of 50 kilograms of Ganja.

4. This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 12.12.2023, seeking bail in Crime No.649 of 2023 registered for the offence under Sections 8(c), 20(b)(ii)(C), 25, 29(1) of NDPS Act.

5. The learned counsel for the petitioner submitted that the similarly placed co-accused was granted bail on 09.12.2024 in Crl.O.P.No.29956 of 2024.



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6. The earlier bail application was dismissed by this Court on 23.01.2025 in Crl.O.P.No.32335 of 2024 by making following observations:

*“5.Considering the fact that the contraband seized from the petitioner is commercial quantity and also there is no change in circumstances after dismissing the previous bail petition. Hence, this Court is not inclined to allow this petition. Accordingly, this petition is dismissed.”*

7. Considering the aforesaid facts, this Court finds that the grant of bail to the co-accused would not enure to the benefit to the petitioner, since the contraband seized from the petitioner is of commercial quantity. The petitioner has to satisfy the twin conditions imposed under Section 37 of the NDPS Act., which he has not done. Hence, this Court is not inclined to grant bail to the petitioner at this stage and accordingly, this criminal original petition is dismissed.

**14.03.2025**  
( $\frac{1}{2}$ )

Index : Yes / No  
Internet : Yes / No  
dpa

**SUNDER MOHAN , J.**



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dpa

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To

- 1.The Inspector of Police,  
Rasipuram Police Station,  
Namakkal District.
- 2.The Special Court under EC Act, Salem.
- 3.The Superintendent of Prison,  
Central Prison, Salem.
- 4.The Public Prosecutor,  
High Court, Madras.

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14.03.2025  
(½)