



CRL OP NO.11559



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-06-2025

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THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP NO.11559 of 2025

John Roger

Petitioner(s)

Vs

The State Represented by

The Inspector of Police,

S-9 Pazhavanthangal Police Station

Chennai.

Respondent(s)

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Cr.No.13 of 2025 on the file of the respondent.

For Petitioner(s):

Mr.M.N.Balakrishnan

For Respondent(s):

Mr.A.Gokulakrishnan

Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.01.2025 at the hands of the respondent police for the offences punishable under Sections 8 (c), r/w 20 (b)

(ii) (c), 25 and 29 (i) of NDPS Act, 1985 in Crime No.13 of 2025 seeks bail.



2.The case of the prosecution is that the petitioner along with other accused were in illegal possession 20 kgs of Ganja. Hence, the case.

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3.The learned counsel for the petitioner submitted that the petitioner was arrested on 17.01.2025. Subsequently, he was detained under Goondas. Therefore, the first bail application was dismissed by this Court. He further submitted that even as per seizure Mahazar, the alleged contraband was seized only from the first accused and the petitioner was standing outside the car. Therefore, it cannot be construed as conscious possession of contraband. Hence, he prays for grant of bail to the petitioner.

4.The counter filed by the learned Additional Public Prosecutor would reveal that there are totally four accused in which the petitioner is arrayed as A2. The petitioner along with other accused persons were found in possession of 20kgs of Ganja inside the car. Therefore, he was in conscious possession of contraband and it is a commercial quantity. Therefore, the petitioner failed to fulfill the twin conditions as contemplated under Section 37 of the NDPS Act, 1985. Hence, this Court is not inclined to grant bail to the petitioner.



5. Accordingly, this Criminal Original Petition is dismissed.



23-06-2025

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To
The Inspector of Police,
S-9 Pazhavanthangal Police Station
Chennai.

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