



Crl.O.P.Nos.16060, 19030 & 19065 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2025

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.Nos.16060, 19030 & 19065 of 2025

Ajith ... Petitioner in Crl.O.P.No.16060 of 2025
Dillibabu ... Petitioner in Crl.O.P.No.19030 of 2025
Chinnarasu ... Petitioner in Crl.O.P.No.19065 of 2025
Vs.

The State represented by
The Inspector of Police,
PEW Periyapalayam Police Station,
Thiruvallur District.
(Crime No.29 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner/Accused on bail in
Crime No.29 of 2025 pending on the file of the respondent Police.

For Petitioner in

Crl. O.P.No.16060 of 2025 : M/s.N.Palanivel

For Petitioner in

Crl.O.P.No.19030 of 2025 : M/s.N.Palanivel



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For Petitioner in

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Crl. O.P.No.19065 of 2025 : M/s.M.Vetrivel

For Respondent : Mr.A.Gopinath

Government Advocate (Crl.Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on 10.10.2025, for the offence punishable under Sections 8(c) read with Section 20(b)(ii)(C), 29(1), 25 of Narcotic Drugs & Psychotropic Substances Act, 1985 in Crime No.29 of 2025, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that, A1 to A6 who are known to each other for enriching themselves by ganja, these petitioners went to Andhra Pradesh and purchased 21.50 kgs of ganja and after packing it into two bags, A1 to A2 were carrying 10kgs in a bag and keeping it in a two wheeler bearing Reg.No.AP 03 CH 4501, remaining 11.50 kgs of ganja carried by A3 and A4 in another two wheeler, A5 & A6 also accompanied them in another two wheeler; while they entered Uthookottai check post, they were intercepted by the police based on the prior information. After seeing the police, A5 & A6 diverted the vehicle and escaped, however A1 to



A4 along with two bikes and contraband were arrested after completing the mandatory provisions under NDPS Act and thereafter, based on the confession recorded from other accused, A5 & A6 were arrested. Hence, the case.

3. The learned counsel appearing for the petitioners submitted that, they were in custody for nearly one year and they were not having any previous cases. They further submitted that, seizure mahazar is recorded in bald manner as if the recovery is made from all the persons without mentioning the specific quantity carried in each vehicle. Further they state that there is no recovery from these petitioners Hence, they seeks for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that, totally 21.50 kgs of ganja were seized from A1 to A4. He further submitted that, in the final report, it is stated about number of bundles of ganja were seized from each of the accused. Hence, he opposed for grant of bail to the petitioner.



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5. On careful perusal of the FIR and other connected records, it reveals that, police had recovered 21.50 kgs of ganja from A1 to A4 while transporting in a two wheeler. Further, there is no material produced before me to establish that they were traveled separately. The FIR and the seizure mahazar revealed that the all the persons traveled together but in two separate vehicles and the evidence is sufficient to substantiate the case of the prosecution that they were in conscious possession of the contraband. Since the contraband seized is a commercial quantity, the rigors of Section 37 of NDPS Act falls on the accused A1 to A4, however, as far as A6 is concerned, except confession statement recorded from the arrested accused, there is no other material produced before me that they traveled along with A1 to A4 and further there is no material to show that A5 & A6 were identified by the witnesses to show that they are the persons who traveled in the two wheeler along with A1 to A4. Since there is no other material produced to connect A5 & A6 in this case, **I am inclined to grant bail to the petitioner/A6 in Crl.O.P.No.19065 of 2025. With respect to the other accused, I am not inclined to grant bail to the petitioners in Crl.O.P.No. 16060 & 19030 of 2025.**



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6. Accordingly, the petitioner/A6 in Crl.O.P.No.19065 of 2025 is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.II, Ponneri** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner in Crl.O.P.No.19065 of 2025 shall report before the respondent police daily at 10.30.a.m., for a period of three weeks and thereafter as and when required for interrogation;

[c] the petitioner in Crl.O.P.No.19065 of 2025 shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner in Crl.O.P.No.19065 of 2025 shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioner in Crl.O.P.No.19065 of 2025



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to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in Crl.O.P.No.19065 of 2025 in accordance with law as if the aforementioned conditions have been imposed and the petitioner in Crl.O.P.No.19065 of 2025 released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]**;

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

11.11.2025

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Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also



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To

- 1.The Judicial Magistrate No.II, Ponneri.
- 2.The Inspector of Police,
PEW Periyapalayam Police Station,
Thiruvallur District.
- 3.The Puzhal Prison.
- 4.The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J.

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