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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2025

CORAM :

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Crl.O.P.No.17732 of 2025

Karuppasami @ Karuppu

... Petitioner

-Vs-

State Rep by,
The Inspector of Police,
NIBCID Police Station,
Chennai.
(Crime No.46 of 2024)

... Respondent

Prayer:- Criminal Original Petition filed under Section 483 of BNSS Act, 2023,
pleased to enlarge the petitioner on bail in Crime No.46 of 2024 on the file of
the respondent police.

For Petitioner : Mr.B.Dinesh Kumar

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner was arrested and remanded to judicial custody on 03.07.2024 for the alleged offence punishable under Sections 8 (c) r/w 20(b)(ii) (c), 29(1), 25 of NDPS Act, in Crime No.46 of 2024 registered on the file of the respondent, seeks bail.



2. The case of the prosecution is that on 30.09.2024 at about 13.30 hours, the Inspector of Police intercepted a Maruti Swift car bearing Registration No. TN22 DH 1457 and a Maruti Baleno car bearing Registration No. TN10 AV 7826. On seeing the police team, three persons escaped from the spot, while three others were secured and identified as A1 to A3. After complying with the mandatory provisions of the NDPS Act, the respondent police searched the vehicles and seized a total of 303 kg of ganja (101 kg from A1 to A3), along with three knives and the two cars, under a seizure mahazar. A1 to A3 were arrested and remanded to judicial custody. Subsequently, a case in Crime No.22 of 2024 was registered on the same day for offences under Sections 8(c) read with 20(b)(ii)(C), 25 and 29(1) of the NDPS Act, and the accused were arrested and are in judicial custody. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner was already in custody in connection with another case, as per the order dated 04.10.2024. He further submitted that the petitioner has been falsely implicated in three cases, out of which bail has been granted by this Court in two cases, and the present case is the third one. He further submitted that the allegation is that the petitioner travelled in the car from which the contraband was seized is false and contrary to the FIR. According to him, the petitioner's name has been implicated only on the basis of the confession statement of the



co-accused, and apart from such confession, there is no material to show that the petitioner was in possession of ganja. Hence, he prays to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent reiterated the prosecution case and submitted that the petitioner was also travelled in one of the vehicles when it was intercepted by the police and that, on seeing the police, he was escaped from the spot. He further submitted that the petitioner was seen by the officers of the search party, and therefore it cannot be stated that he was not travelling in the vehicle and his presence in the vehicle amounts to conscious possession of the contraband, and he is having several bad antecedents. At this stage, if the petitioner is granted bail, he is likely to indulge in similar offences. Hence, the rigors under Section 37 of the NDPS Act squarely applies to the petitioner. Hence, he opposed to grant bail to the petitioner.

5. I have also gone through the FIR and other connected materials, including the final report, which reveal that at the time of intercepting the vehicles, this petitioner was travelling in one of the vehicles and escaped on seeing the police party, and his involvement was also disclosed through the statements of the police party as well as arrested accused. Subsequently, the petitioner was arrested by the police after issuance of P.T. warrant and by



formal arrest. Further, the statements of the search party indicate that they had seen the petitioner travelling in the vehicle along with the contraband.

Therefore, it cannot be contended that the petitioner was arrayed as an accused only on the basis of the confession statement of the co-accused.

6. This Court is of the view that the rigors under Section 37 of the NDPS Act squarely applies to the case of the petitioner, especially in view of his previous involvement in offences, including those under the NDPS Act. At this stage, if the petitioner is released on bail, there is a likelihood of his indulging in similar activities. Therefore, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the Criminal Original Petition is dismissed.

18.12.2025

drl

To

1. The Inspector of Police,
NIBCID Police Station,
Chennai.

2. The Public Prosecutor,
High Court, Madras.



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K. RAJASEKAR, J.

drl

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