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Crl.OP.No.21099 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2025

CORAM

**THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

Crl.O.P.No.21099 of 2025

1.Baikunth Malik  
2.Dhananjay Malik

... Petitioners

Vs.

State Rep. by  
The Inspector of Police,  
PEW Police Station,  
Thirupathur District  
(Cr.No.38 of 2025)

... Respondent

**PRAYER :** Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in Cr.No.38 of 2025 on the file of the respondent police, pending investigation.

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

### **ORDER**

The petitioners, who were arrested and remanded to judicial custody on 20.02.2025 for the alleged offence **under Section 8(c), 20(b)(ii)(C), 29(1) of NDPS Act, 1985** in **Crime No.38 of 2025** on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 20.02.2025 at about 8.30 hours



based on secret information, the respondent police along with team went to the place of occurrence and identified A1 and A2, the petitioners herein and caught hold them and found in illegal possession of 21.900 kgs of ganja and the same was seized from the accused person along with two mobile phones under the cover of seizure mahazar in the presence of witnesses. Thereafter, the respondent police taken two samples and arrested the accused persons and recorded their confession statement and in the confession it revealed that A1 & A2 purchased the above said contraband at Orissa State and selling the same for their personal gain. After that the arrested accused person along with the seized contraband had taken to the respondent police station.

3. The learned counsel for the petitioner submitted that the petitioners are in custody from 20.02.2025, still there is no progress in the case. He further submitted that they are ready to abide by any stringent conditions that may be imposed by this Court including submission of local sureties. Hence, he prayed to grant bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and reported that the petitioners are native of Orissa and they have found in possession of huge quantity of 21.900 kgs of ganja, which is commercial quantity and after filing



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of Final Report, charges were also framed on 22.09.2025 and the trial date is also fixed.

5. Considering the fact that the trial is progressing and also fact that the accused involved in illegal possession of contraband is commercial quantity, the petitioners have not made out the case of satisfaction of twin conditions as contemplated under Section 37 of NDPS Act and hence, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition stands dismissed.

**09.10.2025**

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To:

1.The Inspector of Police,  
PEW Police Station,  
Thirupathur District.

2.The Public Prosecutor,  
High Court of Madras.

**K.RAJASEKAR, J.**



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