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CrI.O.P.No.22407 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2025

CORAM

**THE HON'BLE DR.JUSTICE G.JAYACHANDRAN**

CrI.O.P.No.22407 of 2025

Sebashtin @ Seba

... Petitioner/A1

Vs.

The State, represented by  
Inspector of Police,  
P-6, Kodungaiyur Police Station,  
Chennai.  
(Crime No.117 of 2024)

... Respondent

**PRAYER** : Criminal Original Petition filed under Section 483 of Bharatiya  
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime  
No.117 of 2024 on the file of the respondent Police.

For Petitioner : M/s.B.Thiyagarajan

For Respondent : Mr.L.Baskaran  
Government Advocate (Criminal Side)

### **ORDER**

The petitioner herein, who is an accused in Crime No.117 of 2024 on  
the file of the respondent police arrested on 26.02.2024 for the offence under  
Sections 8(c) read with Section 20(b)(ii)(C), 25 and 29(1) of NDPS Act, seeks  
bail.



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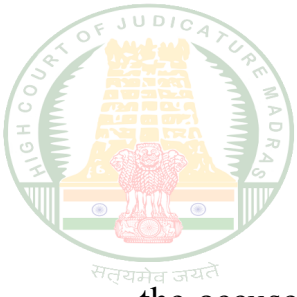
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2. This is the fourth bail petition filed by the petitioner, who had been arrested for the alleged possession of 22 kgs of ganja.

3. The learned counsel appearing for the petitioner submitted that the case of the prosecution persuasion gets vitiated in view of conducting search and seizure in the presence of the public witness though there was Revenue Official present at the time of alleged search and seizure.

4. The learned counsel for the petitioner referring to the FIR submitted that, even according to the prosecution, the Investigating Officer had informed the Tahsildar Office about the information received by him regarding the transport of ganja and at the time of interception, the Revenue Officer by name Thenmozhi was also present, however she was not cited as public witness by the respondent police.

5. This Court on perusing the FIR and other records finds that it is a seizure of commercial quantity of ganja transported in a vehicle. Based on the prior intimation, the seizure had been conducted in a public place after informing



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the accused persons about the right under Section 50 of NDPS Act. Further, in the FIR, it is clearly stated that when the public in the locality were called to stand as witnesses, they refused and therefore, the search and seizure was conducted in the presence of the police team.

6. This Court finds that the petitioner has failed to satisfy the twin conditions as contemplated under Section 37 of NDPS Act. Therefore, in view of fact that the contraband seized is a commercial quantity and the material placed indicates prima facie guilt of the petitioner herein for possessing ganja of 24 kgs, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

**12.08.2025**

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**Dr.G.JAYACHANDRAN, J.**

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To

1. Inspector of Police,  
P-6, Kodungaiyur Police Station,  
Chennai.
2. The Public Prosecutor,  
High Court of Madras.

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