



CrI.O.P.No.22570 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Reserved on: 01.09.2025

Delivered on: 04.09.2025

CORAM

THE HONOURABLE Dr.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.22570 of 2025

Babula Sasmal, M/39 years,
S/o.Baskar Sasamal,
Residing at: Bada Sahi, Phulla Fulata,
Ganjam District, Odisha – 760 003.

... Petitioner/Accused -2

Vs.

The State of Tamil Nadu:
Represented by,
The Inspector of Police,
T-1, Tambaram Police Station PEW
Tambaram City, Tamil Nadu.
(Crime No.35 of 2025)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 483 of *Bharatiya Nagarik Suraksha Sanhita*, 2023, pleased to grant bail for the petitioner in Crime No.35 of 2025, on the file of the Inspector of Police, T-1, Tambaram PEW Police Station, Tambaram City.

For Petitioner : Mr.Krishen.M

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



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ORDER

The petitioner, who arrested and remanded to judicial custody on 18.03.2025 for offences punishable under Section 8(c), 20(b)(ii)(C) and 29(1) of NDPS Act, 1985, in Crime No.35 of 2025, registered on the file of the respondent, seeks bail.

2. The petitioner was remanded to judicial custody on 18/03/2025 in connection with the seizure of 71.500 kg of Ganja in the raid conducted by the respondent police based on secret information. Along with the petitioner, three others were also arrested.

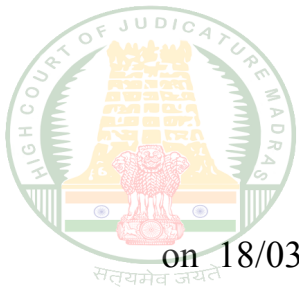
3. According to the prosecution, near a playground at Kundrathur-Thiruperumbudur Road, four persons were found in possession of 71.500 kgs of Ganja. From this petitioner, 20.500 kgs of Ganja was seized after complying the statutory requirements. The petitioner and the others had allegedly procured the contraband from Orissa and illegally transported to Tamil Nadu for sale in retail.



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4. The Learned Counsel for the petitioner contends that the petitioner was arrested in violation of the mandatory provisions laid under the BNSS Act as well as the dictum of the Hon'ble Supreme Court in ***D.K.Basu vs. State of West Bengal (1997) 1 SCC 416***. It is submitted that the petitioner hails from Orissa. He was arrested by the respondent police on 16/03/2025 from his native in Orissa and brought to Chennai. He was produced before the Judicial Magistrate only on 18/03/2025. His wife had given a complaint of man-missing complaint with the local police at Orissa. The near relatives of the accused were not informed about the arrest of the petitioner. Further, the alleged recovery is not supported by independent witnesses, thereby vitiated seizure proceedings.

5. In the counter, the respondent police had stated that on 17/03/2025, based on secret information about the illegal transportation of Ganja, the police team went to the scene of crime and apprehended four persons standing in suspicious manner. Each one of them were carrying travel a bag containing Ganja. From the possession of this petitioner, 20.500 kgs of Ganja was seized under mahazar. Based on their statements, it has come to light that they together procured Ganja from Orissa for lesser price and transported it to Chennai. They all were arrested and produced before the Judicial Magistrate, Sriperumbudur,

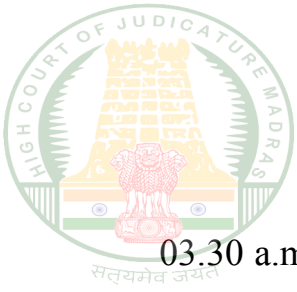


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on 18/03/2025 within 24 hours of their arrest. The seizure was done after explaining to them, their right under Section 50 of the NDPS Act. The secret information was reduced into writing and forwarded to the superior officer, as contemplated under the Act. Further, the seizure and arrest of ganja were also duly reported to the Superior Officer as per law. Hence, there is no violation of any mandatory provision.

6. The bail petition is opposed on the ground that the contraband seized is of commercial quantity. The petitioner hails from Orissa and has no roots in Tamil Nadu. The twin conditions imposed under Section 37 (b)(ii) of the NDPS Act, is a bar to grant bail to this petitioner.

7. This Court, on perusing the records, finds that the wife of the petitioner had registered a complaint before the Gosaninuagaon Police Station on 18/03/2025, at 13.33 hours, alleging that her husband missing since 16/03/2025. In the said F.I.R, it appears that the wife of petitioner had gone to the Police Station to report about the missing of her husband on 17/03/2025 at about 04.30 pm. Whereas, in the present case, the secret information was received on 17/03/2025 at 2.00 p.m. The F.I.R was registered on 18/03/2025, at



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03.30 a.m., after the arrest and seizure and the accused was produced before the Judicial Magistrate on 18/03/2025. Therefore, it appears that the man-missing complaint apparently lodged only after the arrest and remand of the petitioner and after the receipt of the information of arrest by the wife of petitioner.

8. On perusal of the records, *prima facie* satisfies the compliance of all mandatory provisions regarding search and seizure. The contraband seized been subjected to chemical analysis and found presence of cannabinoid, a narcotic drug. The quantity seized is above 20 Kgs and therefore, falls within the category of commercial quantity.

9. In view of the above facts, the rigor of Section 37 of the NDPS Act squarely applies to this case. The materials placed before this Court, collected during the investigation, disclose illegal transport of Ganja from Orissa to Tamil Nadu. At this stage, there is no reasonable grounds to believe that this petitioner is not involved in the above crime. Accordingly, the bail petition stands dismissed.



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10. In the result, this Criminal Original Petition is dismissed.

04.09.2025

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To,

1. The Judicial Magistrate-I Court, Tambaram.
2. The Inspector of Police, T-1, Tambaram Police Station PEW
Tambaram City, Tamil Nadu.
3. The Puzhal Jail, Chennai.
4. The Public Prosecutor, High Court of Madras.



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Dr. G.JAYACHANDRAN, J.

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Pre-delivery order made in
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