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Crl.O.P.Nos.26529 & 26577 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 28.03.2025

PRONOUNCED ON : 03.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.Nos.26529 & 26577 of 2024

1. Vigneshwaran ... Petitioner in Crl.OP.No.26529 of 2024 / A3
2. Karthikeyan ... Petitioner in Crl.OP.No.26577 of 2024 / A2
Vs.

State, Rep. by
Inspector of Police,
M-4, Redhills Police Station,
(Crl.No.605 of 2024) ... Respondent

PRAYER: Criminal Original Petitions filed under Section 482 of BNSS, to enlarge the petitioners/A3 & A2 on bail in connection with Cr.No.605 of 2024 on the file of the learned Principal Special Judge under EC and NDPS Act, Chennai.

For Petitioners : Mr.M.G.Martin Manivannan
in both cases for Mr.C.M.Ramakrishnan

For Respondent : Ms.J.R.Archana
in both cases Government Advocate (Crl.Side)

COMMON ORDER

These Criminal Original Petitions have been filed by the petitioners/A3 & A2, who were arrested and remanded to judicial custody on 01.07.2024, seeking bail in Cr.No.605 of 2024 registered for the offence under Sections 8(c), 20(b)(ii)(c), 25(1) of NDPS Act, 1985.



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2. It is the case of the prosecution that on 01.07.2024, on secret information, the lorry bearing Regn.No.TN23 CZ 6417 was intercepted by the respondent in which the petitioners, who are arrayed as A3 and A2 respectively along with A1 were found in possession of 32 Kgs of Ganja, which is a commercial quantity; that a separate seizure was made from A2 and A3, who were found in possession of 5 kgs of Ganja each; and that A1 was found in possession of 22 Kgs of Ganja; and thus committed the aforesaid offences.

3. The learned counsel for the petitioners submitted that separate seizures were made by the respondent; that the petitioners were found in possession of intermediate quantity; that the rigors of Section 37 of the NDPS Act would not be applicable; that in any case, the respondent has violated the mandatory provisions under the NDPS Act; that the petitioners have no bad antecedents; and that considering the period of incarceration, sought for bail.

4. The learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that all the three accused came in a lorry and they were found in constructive possession of commercial quantity of Ganja, though there were individual seizures; and that both the



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petitioners have previous cases under the NDPS Act, which are pending trial. The learned Government Advocate (Crl.Side) has also filed a counter affidavit to that effect.

5. It is seen from the counter that the petitioner in Crl.OP.No.26529 of 2024/A3 has two previous cases under the NDPS Act for possession of intermediate quantity, which is pending trial. The petitioner in Crl.OP.No.26577 of 2024/A2 has one previous case under the NDPS Act, which is pending trial. The petitioners were found in joint possession of 32 Kgs of Ganja, which is a commercial quantity and as they were travelling in the same private lorry, they have to satisfy the twin conditions under Section 37 of the NDPS Act.

6. This Court is of the view that the petitioners have not satisfied the twin conditions under Section 37 of the NDPS Act. Accordingly, the criminal original petitions are dismissed. However, the trial court may expedite the trial and conclude the same, as expeditiously as possible. If the trial is not concluded within six months, the petitioner shall be at liberty to renew the bail application before the trial Court.



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SUNDER MOHAN, J.
ars

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To

1. The Principal Special Judge under EC and NDPS Act,
Chennai.
2. Inspector of Police,
M-4, Redhills Police Station,
3. The Public Prosecutor,
High Court, Madras.

Pre-delivery common order in
Crl.O.P.Nos.26529 & 26577 of 2024

03.04.2025