



CRL OP Nos. 26090 & 14632c
2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31-10-2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP Nos. 26090 & 14632 of 2025

1. Aanuraj

S/o.Rajesh, Kolakkode, Paruvasseri P Petitioner in Crl.O.P.No.26090 of 2025
O, Kannambra -1, PO Paruvasseri,
Palakkad District, Kerala - 678 686.

Hamid Gafur

S/O/ Aboobacker, Kalathil
House, Old Market,
Vadakkancheri, Palakkad,
Kerala

Petitioner in
Crl.O.P.No.14632 of 2025

Vs

1. State rep. by

The Inspector of Police, Prohibition
Enforcement Wing Police Station, PEW
Salem City Crime No.93/2025

Respondent(s) in both
Crl.O.P.s

COMMON PRAYER

To enlarge the petitioner on bail in connection with the Crime.No.93 of 2025 pending on the file of respondent police and pass such other orders and thus renders justice.



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For Petitioner(s): in R.Nalliyappan
Crl.O.P.No.26090 of
2025

For Petitioner(s): D.Padmanabhan
in Crl.O.P.No.14632 of
2025

For Respondent(s): Mr.A.Gopinath
in both Crl.O.P.s Government Advocate (Crl.Side)

COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 07.03.2025, for the alleged offence punishable under Section 8(c) r/w. 20(b)(ii)(c), 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.93 of 2025, on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 07.03.2025 at about 02.00 hours, Mr.V.Sundaram, Special Inspector of Police along with his police team were in patrol near Suramangalam Railway Junction town bus stop, noticed three individuals in suspicious manner carrying shoulder bags. The said police parties caught hold of them and conducted enquiry, during the enquiry it came to know that the accused persons namely Jijth/A1, Anuraj/A2 and Hamid Gafur/A3, who were belongs to Kerala. On searching the said accused A1 to A3 found in



possession of 33.990 kgs Ganja and the same was seized from the accused A1 to A3 under the cover of seizure mahazar in the presence of witnesses. Thereafter the Special Inspector of Police arrested the accused A1 to A3 and recorded their confession statements and brought them to respondent police station.

3. Learned counsel for the petitioner submitted that the petitioners have been arrested and in custody for nearly seven months. Although it is stated that the contraband seized was thirty-three kgs, each persons was carrying different quantities, that is eleven kgs each, which constitutes an intermediate quantity rather than a commercial quantity. He further submitted that no proper seizure sampling or sealing has been done by the respondent police. He further submitted that they petitioners have no previous cases. Hence, he prayed to grant bail to the petitioners.

4. Learned Government Advocate(Criminal Side) appearing for the respondent police submitted that it is not a case of separate seizure. Although the petitioners were carrying three different bags, the seizure was effected, and they were in conscious possession of 33kgs and they were all hailing from the



same place and were waiting to transport the contraband to other place. On the basis prior information, after complying mandatory provisions, petitioners were arrested and further investigation revealed that they had knowledge about the total contraband possessed by them and common seizure was effected and their statements were recorded and the final report has been filed. He further submitted that since this is a case of conscious possession, the petitioners cannot claim that there is no recovery from them. Hence, he opposed to grant bail to the petitioners.

5. I have considered the submission made by both sides and also perused records.

6. The seizure mahazar refers that the seizure was effected from all three persons, and totally eleven pockets were found with them. It is further stated that they all travelled jointly and were waiting to traffic the contraband to other places. Hence, I am not inclined to grant bail to the petitioners. If the petitioners are granted bail, there is likelihood of involvement in further offences and Section 37 of NDPS Act is applicable to the case. No grounds to satisfy the twin conditions have been established.



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7. Accordingly, these criminal original petitions are dismissed.

31-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

mpa

To

1. The Special Court for Essential Commodities Act and NDPS Court, Salem.

2. State rep. by

The Inspector of Police, Prohibition

Enforcement Wing Police Station, PEW

Salem City Crime No.93/2025

3. The Public Prosecutor, High Court of
Madras.



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K.RAJASEKAR J.
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