



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-11-2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP No. 29697 of 2025

PONNUSAMY

Petitioner(s)

Vs

State Rep by The Inspector of Police,
E-5, Sholavaram Police Station,
Tiruvallur District. Crime No.355 of
2025

Respondent(s)

PRAYER Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in pending
investigation in Crime No.355 of 2025 on the file of the respondent police.

For Petitioner(s): Mr.P. Praveen Kumar

For Respondent(s): Mr.A.Gopinath
Government Advocate (Crl.side)

**ORDER**

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The petitioner, who was arrested and remanded to judicial custody on 02.06.2025, for the offence punishable under Sections 8(c), r/w 20(b)(ii)(C), 25, 29(1) of NDPS Act, 1985 and Section 24(1) of COTPA Act, in Crime No.355 of 2025, registered on the file of the respondent, seeks bail.

2. The allegation against the petitioner is that he was employee of A6 who was having godown at Sivanthi Athithanar Nagar and the godown was inspected by the police and the banned tobacco products to the extent of 3 ½ tonnes were seized. Prior to seizure of banned tobacco products, the police on information, have intercepted the lorry driven by A1 in this case near Ambethkar Nagar, 400 feet road bridge and seized banned tobacco products and also 25 kgs of Ganja. Based on the statement given by the lorry driver (ranked as A1), it revealed that he along with A5 & A6 involved in transportation of banned tobacco products and also Ganja. Hence A1, A5 & A3 and A4 were all arrested on the same day.



3. Learned counsel appearing for the petitioner submitted that this petitioner who is ranked as A4, along with A3 were employed under A6 who is the godown owner. They were not aware about the Ganja being transported and they were only aware about the instructions to unload the banned tobacco products brought by other accused to the godown. They never involved in possession, transportation or sale of Ganja and since 25 kgs of Ganja which was transported by A1 who was only directed to bring banned tobacco products has also transported Ganja without their knowledge and that the petitioner is also included as an accused. He further submitted that except the confession recorded from this petitioner, no other material was produced to connect the Ganja brought by A1/ driver of the lorry in this case. He further submitted that even the statement recorded from other witnesses also reveals that it is a voluntary Act of A1 who brought the banned tobacco products along with Ganja. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police by relying on the statement recorded from this petitioner submitted that



this petitioner was also aware that the Ganja was also being brought to the godown by the driver of the lorry and he was also instructed to unload the same by A6; that the petitioner unloaded the same and kept it in the godown and since police have seized the lorry along with contraband based on the statement of A1, the godown was also searched and 3 ½ tonnes of banned tobacco products were also seized. It is also stated that A6 had instructed this petitioner to unload the banned tobacco products as well as Ganja. Hence, he opposed for grant of bail to the petitioner.

5. Admittedly the statement of A1 reveals that he brought the banned tobacco products along with Ganja from Karnataka. The police have intercepted the vehicle on the suspicion that the banned tobacco products have been transported. Hence, they waylaid and recovered nearly 640 kgs of banned tobacco products and 21 kgs of Ganja. It is also revealed that he has transported the banned tobacco products along with Ganja, and unloaded only banned tobacco products at the Godown with the help of A3 and petitioner/A4. He has



not stated anything to link the petitioner with Ganja. It is also stated that A1 was given with 640 kgs of banned tobacco products after unloading the 3 ½ tonnes of banned tobacco products. Hence I am of the view that the petitioner herein has not involved in unloading Ganja or they were aware about the possession of Ganja by Accused No.I. Further if they had involved in handling Ganja, it may not be possible for the lorry driver to take back the ganja with him and there may not be an occasion for seizing the Ganja from the lorry. Hence, I am of the view that condition of Section 37 of NDPS Act is not applicable for considering bail of the petitioner. Now the petitioner is in judicial custody from 02.06.2025, and he is not having any previous case and employee under Accused No.6, hence, I am inclined to grant bail to the petitioner, subject to certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties, each for a like sum to the satisfaction of the *learned Judicial Magistrate-II, Ponneri*, and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy



of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself, as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

10-11-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes



Neutral Citation: Yes/No

Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.



To
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- 1.State Rep by The Inspector of Police,
E-5, Sholavaram Police Station,
Tiruvallur District. Crime No.335 of
2025
- 2.The Judicial Magistrate No.II,
Ponneri.
- 3.The Central Prison Puzhal-II,
Chennai.
- 4.The Public Prosecutor
High Court of Madras.



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K.RAJASEKAR J.
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