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Crl.O.P.No.28725 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-10-2025

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.28725 of 2025

Vigneshwaran

... Petitioner/ A2

Vs

The State rep. by,
The Inspector of Police,
PEW- Redhills Police Station,
Avadi City.
(Crime No.108 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner/accused in Crime No.108 of 2025 on the file of the respondent police.

For Petitioner(s) : Mr. S. Subramaniya
For Mr. D. Jaiganesh

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 03.07.2025 for the offences punishable under Sections 8(c), 20(b)(ii)(C) and 29(1) of Narcotic Drugs & Psychotropic Substances Act, 1985 in Crime No.108 of 2025, registered on the file respondent police, seeks bail. The earlier bail application of the petitioner in Crl.O.P.No.23519 of 2025 was dismissed as withdrawn.

2. The case of the prosecution is that on 03.07.2025, based on a secret information, the respondent police went to the spot and found that the petitioner along with other accused were found in joint possession of 22 kilograms of Ganja, which is of commercial quantity. Hence, this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated and he in judicial custody since 03.07.2025. He further submitted that the petitioner is alleged to have carried only 11 kilograms of ganja in his bag and separate seizure mahazar is also recorded, therefore the petitioner is not responsible for the ganja alleged to have been recovered from the other accused, hence the quantity of ganja alleged to have been seized from the petitioner alone shall be taken into



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account, which does not fall under commercial quantity, hence rigours of Section 37 of NDPS is not applicable to the petitioner herein; and that the petitioner is ready to abide by any conditions that may be imposed by this Court and sought for bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent while opposing the bail to the petitioner reiterated the prosecution case and stated that there are totally two accused involved in this case and the petitioner is arrayed as A2. He further submitted that the contraband seized from the petitioner/ A2 and the first accused individually is an intermediate quantity viz., 11 kgs of Ganja each; that the total quantity seized is 22 kilograms, which falls under commercial quantity; that they both conspired together and involved in trafficking of the contraband, which was purchased from Andhra Pradesh, hence they are bound to satisfy the twin conditions under Section 37 of the NDPS Act; and that the investigation of the case was completed and charge sheet filed before the Special Court for EC & NDPS Act Cases, Chennai.

5. I have considered the submissions made on both sides and perused the materials available on record.



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6. On perusal of the prosecution case, it reveals that the petitioner herein/ A2 and the co-accused/ A1 acted jointly purchased Ganja from Andhra Pradesh, came together with a common object and intention of illegal trafficking and selling of contraband, they were also aware of the possession of contraband with each other, though there were independent seizures, the contraband seized is to be taken as joint possession, thereby Section 37 of the NDPS Act is applicable to the present case and the petitioner herein has not satisfied the same and also taking note of the fact that the petitioner has previous antecedents of similar nature and if he is enlarged on bail, he would indulge in similar offence, hence this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this criminal original petition stands dismissed.

23.10.2025

stn

To

1. The Inspector of Police,

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PEW- Redhills Police Station,
Avadi City.
(Crime No.108 of 2025)

2. The Public Prosecutor,
High Court of Madras.



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K. RAJASEKAR, J.

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