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Crl.O.P.Nos.29826 & 30722



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2025

CORAM :

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Crl.O.P.Nos.29826 & 30722 of 2025

Priyanga

... Petitioner
in Crl.OP.No.29826/25

Regina Mary

... Petitioner
in Crl.OP.No.30722/25

-Vs-

State of Tamil Nadu Rep by,
The Inspector of Police,
PEW Adayar Police Station,
Chennai.
(Crime No.143 of 2025)

... Respondent
in both the petitions

Prayer:- Criminal Original Petitions filed under Section 483 of BNSS Act, 2023,
pleased to enlarge the petitioner on bails in Crime No.143 of 2025 pending on the
file of the respondent police.

For Petitioner	:	Mr.P.Santhosh (in Crl.OP.No.29826/2025)
	:	Mr.G.Ezhil Balaji (in Crl.OP.No.30722/2025)
For Respondent	:	Mr.A.Gopinath, Government Advocate (Crl. Side) (in both the petitions)



COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 14.07.2025, for the alleged offence punishable under Section 8(c) r/w 20(b)(ii)(C), 29(1) of NDPS Act, 1985 in Crime No.143 of 2025 on the file of the respondent police, seeks bail.

2. The allegation against the petitioners is that they are ranked as A1/Regina Mary and A2/Priyanga and were involved in the transportation of 26 kg of ganja. On 14.07.2025, at about 18.00 hours, they were intercepted by the respondent police. After complying with the mandatory provisions, the contraband was seized from their possession. It is alleged that 15 kgs of ganja was recovered from A1 under a separate mahazar and 11 kgs of ganja was recovered from A2 under another separate mahazar. Based on their confessional statements, the involvement of other accused persons was revealed. During the course of investigation, it was further revealed that A3 is an absconding accused and that the final report is yet to be filed. Hence, the case was registered and the petitioners were arrested.

3. The learned counsel for the petitioners submitted that two separate mahazars were prepared and two independent seizures were effected from the petitioners, and therefore, the quantities seized from each petitioner cannot be clubbed together for the purpose of invoking the bar under Section 37 of the NDPS



Act. If the quantity seized from each petitioner is considered separately, the contraband would fall only within the category of intermediate quantity and not commercial quantity. Hence, the rigour of Section 37 of the NDPS Act is not attracted in the present case. He further submitted that the petitioners have been in judicial custody since 14.10.2025, and therefore, prayed that this Court may be pleased to grant bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, by filing a counter, submitted that both the petitioners travelled jointly in the Coromandel Express and brought the contraband to the place of occurrence. Though the ganja was carried in two different bags and seized under two separate mahazars, the prosecution contends that both the petitioners were in conscious possession of the entire quantity and were fully aware that they were jointly transporting 26 kg of ganja. Therefore, they cannot contend that one petitioner was unaware of the contraband carried by the other. In support of his submissions, he relied upon the call detail records and other materials indicating that the petitioners travelled together and were involved in related transactions. Hence, he strongly opposed the grant of bail to the petitioners.

5. Heard both sides and perused the materials available on record including the First Information Report.



6. This Court, in *Crl.O.P. No.20750 of 2025* dated 11.09.2025 (*Najmul Hassan v. Inspector of Police, PEW Pallikaranai Police Station*) and in *Crl.O.P. No.9448 of 2022* dated 28.04.2022 (*Mohammed Jalil Khan and others v. The Inspector of Police, NIB CID, Chennai*), has held that in the absence of material to establish that the contraband recovered from two different persons was under joint possession, the bar under Section 37 of the NDPS Act would not be attracted. It has further been held that where two separate mahazars are prepared and two independent seizures are effected, the same would be a relevant factor in determining the absence of joint possession.

7. Similarly, in *Crl.O.P.(MD) No.5921 of 2025* dated 05.05.2022 (*Pandiammal and others v. The Inspector of Police, Ganesh Nagar Police Station, Pudukkottai District*), this Court held that even if two persons were together, unless place, circumstances, and other connected materials clearly establish common knowledge and conscious joint possession of the contraband, it would not be proper to conclude that they were in joint possession.

8. Admittedly, in the present case, both the petitioners were found standing near the Gandhi Nagar Bus Depot, Adyar. There are materials on record to show that they were in constant contact with each other, and the call detail records indicates frequent telephonic communication between them. Further, there are



materials to establish that the petitioners had jointly travelled to Rajamundry and thereafter returned in the Coromandel Express to Chennai and proceeded together to the place of occurrence.

9. These facts are sufficient to demonstrate that the petitioners had common knowledge of the possession of ganja and that each was aware of the contraband carried by the other. In these circumstances, notwithstanding the fact that two separate seizures were effected and two independent mahazars were prepared, the other connected materials clearly establish that the petitioners had conscious knowledge of the possession of ganja by each other and were aware of the total quantity being transported.

10. Hence, the petitioners have failed to satisfy the twin conditions contemplated under Section 37 of the NDPS Act. Therefore, this Court concludes that the petitioners are not entitled to be enlarged on bail, and accordingly, this Court is not inclined to grant bail to the petitioners.

11. Accordingly, these Criminal Original Petitions are dismissed.

17.11.2025

drl



Crl.O.P.Nos.29826 & 30722



To

1. The Inspector of Police,
PEW Adayar Police Station,
Chennai.

2. The Public Prosecutor,
High Court, Madras.



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K. RAJASEKAR, J.

drl

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