



WEB COPY

Crl.O.P.No.29789 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2025

CORAM :

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Crl.O.P.No.29789 of 2025

JiJith

... Petitioner

-Vs-

State Rep by,
The Inspector of Police,
PEW Police Station, Salem City,
Salem District.
(Crime No.93 of 2025)

... Respondent

Prayer:- Criminal Original Petition filed under Section 483 of BNSS Act, 2023, pleased to enlarge the petitioner on bail in Crime No.93 of 2025 pending on the file of the respondent police.

For Petitioner : Mr.P.Arunkumar
For Respondent : Mr.A.Gopinath,
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.03.2025, for the alleged offence punishable under Sections 8(c), 20(b)(ii)(c), 29(i) of NDPS Act, in Crime No.93 of 2025, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 07.03.2025, at about 01.00



hours, Mr.V.Sundaram, Special Inspector of Police along with his police team were in patrol near Sooramangalam 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 petitioner has been arrested and in custody for nearly eight 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 petitioner has no previous cases. Hence, he prayed to grant bail to the petitioner.

4. Learned Government Advocate(Criminal Side) appearing for the



respondent police submitted that it is not a case of separate seizure. Although the petitioner along with other accused were carrying three different bags, the seizure was effected, and they were in conscious possession of 33 kgs of Ganja 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, petitioner was arrested and further investigation revealed that they had knowledge about the total contraband possessed by him and common seizure was effected and his statements was recorded and the final report has been filed. He further submitted that since this is a case of conscious possession, the petitioner cannot claim that there is no recovery from him. Hence, he opposed to grant bail to the petitioner.

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 the petitioner along with other accused were all travelled jointly and waiting to traffik the contraband to other places. Hence, I am not inclined to grant bail to the petitioner. If the petitioner is 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 has been established.

WEB COPY 7. Accordingly, this criminal original petition is dismissed.

17.11.2025

drl

To

1.The Inspector of Police,
PEW Police Station, Salem City,
Salem District.

2.The Public Prosecutor,
High Court, Madras.

K. RAJASEKAR, J.



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