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CRL OP Nos. 31165 & 2998

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2025

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THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP Nos. 31165 & 29981 of 2025

Senthil @ Kanagalingam
Karukuvel

Petitioner/A5
Petitioner/A6

Versus

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

Respondent

COMMON PRAYER Criminal Original Petitions filed under Section 483 of BNSS, to enlarge the petitioner on bail in pending investigation in Crime No. 355 of 2025 on the file of the respondent.

For Petitioners : Mr.R.C.Paul Kanagaraj

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



COMMON ORDER

The petitioners/A5 & A6, who were arrested and remanded to judicial custody on 26.06.2025/A6 and 27.06.2025/A5, for the offences punishable under Sections 8(c) r/w Section 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 respondent police, seeks bail.

2.The allegation against the petitioners is that the petitioner in Crl.O.P.No. 31165 of 2025 ranked as A6 in the FIR and now ranked as A2 in the final report, the petitioner in Crl.O.P.No.29981 of 2025 ranked as A5 in the FIR and now ranked as A1 in the final report. The petitioner/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 (as per FIR) in this case near Ambedkar 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, it revealed that he along with



petitioners involved in transportation of banned tobacco products and also Ganja. Hence, A1, A3, A4, A5 and A6 were arrested on the same day, and A7 still absconding.

3.The learned Counsel appearing for the petitioners submitted that they were not aware about the Ganja being transported, and, they never involved in possession, transportation or sale of Ganja, and tobacco product seized herein was transported by A1 without their knowledge. He further submitted that except the confession recorded from the petitioners, 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 prays bail to the petitioners.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police by relying on the statement recorded from the petitioners



submitted that the petitioners were also aware that the Ganja being brought to the godown by the driver of the lorry and they have also instructed other accused to bring Ganja and banned tobacco products to the godown. He further submitted that the petitioners unloaded the same and kept it in the godown. The 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, and Section 37 of the NDPS Act is applicable to the present case, hence he opposed for grant of bail to the petitioners.

5.Considered the submissions made on both sides and perused the materials available on record including the FIR.

6.Admittedly, the statement of A1 reveals that he brought the banned tobacco products along with Ganja from Karnataka, and unloaded only banned tobacco products at the Godown with the help of the A3 and A4. It is also stated that A1 was in possession of 640 kgs of banned tobacco products and Ganja



after unloading 3 ½ tonnes of banned tobacco products. If the Ganja was transported for these petitioners, there is no necessity for A1 to take back Ganja with him after unloading the tobacco products. I am of the view that there is no *prima facie* material produced before me to establish the fact that the Karukuvel-A6 and Senthil @ Kanagalingam-A5 involved in any transportation of Ganja. Hence, Section 37 of the NDPS would not be applicable to them. It appears that investigation was completed and final report has also been filed in the month of June, 2025. Though it is stated that the petitioner/A6 has involved in three previous cases which are pending, it reveals that only one case is concerned with regard to banned tobacco products and other cases are different in nature. It is also seen that the petitioner/A5 is having 11 previous cases with regard to banned tobacco/Gutkha case. Hence, I am inclined to grant bail to the petitioner in Crl.O.P.No.31165 of 2025 i.e., for A6 and the petition in Crl.O.P.No.29981 of 2025 is dismissed insofar as A5 is concerned.

7. Accordingly, the petitioner/A6 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**, for a like sum to the satisfaction of the **learned**



Judicial Magistrate No.II, Ponneri, and on further conditions that:

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[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

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

[c] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;

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

18-11-2025



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Index: Yes/No

Speaking/Non-speaking order

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Neutral Citation: Yes/No

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Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.

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- 1.The Judicial Magistrate No.II,
Ponneri.
- 2.The Central Prison, Puzhal-II,
Chennai.
- 3.The Public Prosecutor
High Court of Madras.
- 4.The State Rep by, The Inspector of Police,
E-5, Sholavaram Police Station
Tiruvallur District
Crime No. 355 of 2025



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