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Crl.OP.No.31346 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2025

CORAM

THE HONOURABLE MR JUSTICE **K.RAJASEKAR**

Crl.O.P.No.31346 of 2025

Ashwin Kumar

... Petitioner

Vs.

State by :

The Inspector of Police,
M-3, Puzhal Police Station,
Chennai.

... Respondent

(Cr.No.675 of 2025)

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in
Cr.No.675 of 2025 on the file of the respondent.

For Petitioner : Mr.S.Senthilvel

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on
21.09.2025 for the alleged offence under Sections 8(c), 20(b)(ii)(c) and
29(1) of Narcotics Drugs and Psychotropic Substances Act, 1985 in Crime
No.675 of 2025 on the file of the respondent police, seeks bail.



2. The case of the prosecution is that A1 used to purchase ganja from a nearby State and supply it to various persons, including A2 to A6. Accordingly, A1 brought 33 kgs of ganja and, after disposing of a few packets, while attempting to hand over 28 kgs of ganja to A2, he took the said contraband to a nearby bush. At that time, the police, on receiving secret information, reached the spot. On seeing the police, A1 and A2 dropped the bags and fled from the place. The said contraband was seized. Further investigation revealed the involvement of other accused also, and all of them were arrested. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that there is no specific overt act attributed to A2 and A6, and the allegation against them is only that they used to purchase ganja from A1, who is the main accused. He submitted that on the date of occurrence, A1 brought 28 kgs of ganja, and on seeing the police, he dropped the same and escaped. Thereafter, A2 was arrested, and 1.5 kgs of ganja was recovered from him. Similarly, intermediate quantities of ganja were recovered from the other accused. He further submitted that there is no connecting material to show that the contraband seized from A1 was supplied to the other accused. He



also submitted that Section 37 of the NDPS Act is not applicable to the case of the petitioner and that the petitioner has been in custody since 21.09.2025 and is willing to abide by any stringent condition imposed by this Court. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police opposed the bail petition, reiterated the prosecution case, and submitted that totally seven accused are involved in this case, out of which A1 to A6 have already been arrested and A7 is still absconding. Investigation is pending. He further submitted that the case involves commercial quantity, since in the first of occurrence itself, 28 kgs of ganja were seized, and further quantities were recovered from the other arrested accused. Hence, he opposed the grant of bail.

5. I have also gone through the statements and other connected materials and it reveals that, based on information, the respondent police went to Mallan Ponnappa Street, Chennai. On seeing the police, A1 dropped the bags, containing 28 kgs of ganja and A2 also fled from there. The statement recorded from A1 reveals that he was in possession of 35 kgs of



ganja and, after distributing some portions, he handed over some quantity to the other accused. The other accused were not aware of the total quantity in A1's possession. Hence, I am of the view that rigors of Section 37 will be applicable only with respect to A1. Though it is stated that some of the petitioners have previous cases, all those cases pertain to prohibition offences and not NDPS offences. There is no material to connect A2 to A6 with the 28 kgs of ganja seized by the police. Considering the period of incarceration undergone by the petitioner, I am inclined to grant bail to the petitioner with 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**, for a like sum to the satisfaction of the **learned District Munsif-Cum-Judicial Magistrate, Madhavaram** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Suretyship [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 District Munsif-Cum-Judicial Magistrate, Madhavaram on all working days at 10.30 a.m for a period of four weeks and thereafter as and when required for interrogation;

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] 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]**;



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

18.11.2025

Vv

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

1. The Principal Special Court
under EC and NDPS Act, Chennai.
2. The Inspector of Police,
M-3, Puzhal Police Station,
Chennai.
3. The Central Prison,
Puzhal-II.
4. The Public Prosecutor,
High Court of Madras.

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K.RAJASEKAR, J.

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