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Crl.O.P.No.32197 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2025

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.32197 of 2025

Akash Pal

... Petitioner

Vs.

The State represented by
The Inspector of Polioce,
M8, Sathangadu Police Station,
Thiruvallur District.
(Crime No.257 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner/Accused on bail in
Crime No.257 of 2025 pending on the file of the respondent Police.

For Petitioner : M/s.S.Shiney

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on
05.08.2025, for the offence punishable under Sections 8(c) read with Section
20(b)(ii)© and 29(1) of NDPS Act in Crime No.257 of 2025, registered on
the file of the respondent, seeks bail.



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2. The allegation against the petitioner is that the petitioner was found in illegal transportation and possession of 24 kgs of ganja. The police on prior information intercepted the petitioner along with other accused, recovered 24 kgs of ganja (commercial quantity) after complying mandatory provisions. Therefore, they have been arrested.

3. The learned counsel appearing for the petitioner submitted that the police party intercepted the petitioner/A2 along with other accused and the police had recovered 12 kgs of ganja from A1 and 12 kgs of ganja from A2 totally 24 kgs of ganja, by two separate mahazar were prepared and hence quantity seized from the petitioner has to be taken only as intermediate quantity and he cannot be held that the petitioner was in conscious possession of the contraband recovered from A1 in this case. He also relied on the judgements of this Court and other High Courts. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) reiterated the prosecution case and opposed for grant of bail to the petitioner stating that the petitioners were in conscious possession of the contraband and they were



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found in an isolated place and further submitted that the 1st accused hails from West Bengal and the 2nd accused/petitioner hails from West Tripura and from their statements revealed that, the ganja was brought from West Bengal and brought it to the place of occurrence.

5. I have considered the submissions made on both sides.

6. This Court in **Crl.O.P.No.20750 of 2025** dated **11.09.2025** in the case of **Najmul Hassan Vs. The Inspector of Police**, has held as follows:

On seeing the facts, it reveals that they are in possession of 12 kgs of ganja independently, which is an intermediate quantity. Hence, Section 37 of NDPS Act would not apply. Considering that and considering the aforesaid authority laid down by this Court and also considering the period of incarceration undergone by the petitioner from 04.04.2025 for more than 5 months and the investigation was completed, and he is ready to abide any condition imposed by this Court, this Court is inclined to grant bail to the petitioner subject to the conditions.



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7. This Court in Crl.O.P.No.23419 of 2025 dated 10.10.2025 has granted bail to the another accused based on the order passed in Crl.O.P.No.20750 of 2025, cited supra.

8. Further, the High Court of Bombay in **2023:BHC-AS:27660** in **Sagar Nana Borkar Vs. The State of Maharashtra** held as follows:

In my view, though applicant and co-accused found together but, they were carrying the contraband individually. The recovery of the contraband from the possession of the Applicant and co-accused should be considered separately.

On careful perusal of the above orders, it revealed that, there was no material to connect the petitioner herein with other co-accused, they were separately arrested and separate seizure was effected. In the present case, it is admitted that accused were waiting in an isolated place and they were in conscious possession of the ganja. It is also stated that the accused hails from Tirupura and West Bengal respectively and they were not able to give explanation for their presence in place of occurrence with the contraband. These facts clearly reveals that there are materials to show that this petitioner



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was aware about the possession of ganja by the co-accused and he was in conscious possession of the contraband. Hence, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, this Criminal Original Petition is dismissed.

10.12.2025

sma

To

1. The Inspector of Polioce,
M8, Sathangadu Police Station,
Thiruvallur District.
- 2.The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J.

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