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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2025

CORAM :

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Crl.O.P.No.34330 of 2025

M.Sanjiv Kumar

... Petitioner

-Vs-

State Rep by,
The Inspector of Police,
PEW Guduvanchery Police Station,
Chengalpattu.
(Crime No.109 of 2025)

... Respondent

Prayer:- Criminal Original Petition filed under Section 483 of BNSS Act, 2023,
pleaded to enlarge the petitioner on bail in Crime No.109 of 2025 on the file of
the respondent police.

For Petitioner : Mr.T.Sakthivel

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on
26.07.2025, for the offence punishable under Sections 8(c), 20(b)(ii) © of NDPS
Act, 1985 in Crime No. 109 of 2025, on the file of the respondent, seeks bail.



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2. The case of the prosecution is that on 26.07.2025 at about 12.00 hours, while Tmt.Devika, Sub Inspector of Police, was in station duty, she received secret information about the illegal transportation of Narcotic substance. After receiving information, she along with her police team went to the scene of occurrence. The police informer identified the accused who are standing suspiciously and the respondent caught hold the accused. On conducting a search, the police found the accused in possession of 21 kgs of ganja which was seized from the accused under the cover of seizure mahazar in the presence of witnesses. The accused was arrested and his confession statement was recorded, wherein it reveals that he had purchased the said contraband from Bihar and was selling the same for his personal gain. After that, the arrested accused along with the seized contraband had taken to the respondent police station. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner was originally taken into custody with only 20 grams of ganja at Oragadam, but thereafter a false case has been foisted against him as if he was in possession of 21 kgs of ganja. He further submitted that there are witnesses who can speak about the arrest of the petitioner at Oragadam. Hence, he prayed to grant bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent reiterated the prosecution case and submitted that the present case involves a commercial quantity and therefore, the rigors of 37 of NDPS Act are applicable to the case of the petitioner. He further submitted that the petitioner was arrested at Oragadam and that no material evidence has been produced to substantiate the same. Hence, he opposed for the grant of bail to the petitioner.

5. Earlier, this Court dismissed the bail petition filed by the petitioner in Crl.OP.No.31266 of 2025 dated 17.11.2025 on the following reasons:

“5. I have gone through the records, and it is seen that though the learned counsel for the petitioner stated that the petitioner was arrested at Oragadam and brought to the police station along with three other persons, and that while the other three persons were let off, the petitioner alone was implicated in this case, but the petitioner has not produced any material to support his version. Further, the rigors of Section 37 of the NDPS Act apply to the petitioner, and no ground was made out to satisfy the requirement under Section 37 of the NDPS Act. Hence, this Court is not inclined to grant bail to the petitioner.”

6. The point raised in this petition for granting bail already considered by this Court and considering the fact that there is no change in circumstances established before this Court to revisit the earlier order, this petition is liable to be dismissed.



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7. Accordingly, this Criminal Original Petition is dismissed.

16.12.2025

drl

To

1. The Inspector of Police,
PEW Guduvanchery Police Station,
Chengalpattu.

2. The Public Prosecutor,
High Court, Madras.



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K. RAJASEKAR, J.

drl

CrI.O.P.No.34330 of 2025

16.12.2025