



WEB COPY



Crl.O.P.No.34706 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2025

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.34706 of 2025

Biki Bishwakarma

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Selvapuram Police Station,
Coimbatore District.
(Crime No.180 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.180 of 2025 pending on the file of the respondent Police.

For Petitioner : Mr.Deepanuday

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on
05.06.2025, for the offences punishable under Sections 8(c) r/w. 20(b)(ii)(c)
& 25 of the NDPS Act, 1985 in Crime No.180 of 2025, registered on the file
of the respondent, seeks bail.



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2. The allegation against the petitioner is that, on 04-06-2025, the petitioner joined hands with two other accused, involved in transportation of 21 kgs of ganja in a two- wheeler bearing registration number TN 66 P 5423. The police party have intercepted them and seized 21 kgs of ganja along with ₹13,000 in cash and mobile phone and arrested all the 3 persons including petitioner. Hence the petitioner is in custody and filed petition seeking bail.

3. The learned counsel for the petitioner submitted that the petitioner is ranked as A-3, that no recovery was effected from him, and that he has been in custody for past six months and there is no progress in the trial. Hence, he prays for the grant of bail.

4. The learned Government Advocate (Crl.side) submitted that, on prior information, the police party intercepted the two-wheeler in which the petitioner along with two other persons were travelled and it was found that 21 kgs of ganja was carried in the tank on the bag in the two wheeler. Hence, all three persons were arrested. Since they were in joint possession of a commercial quantity, Hence, opposed to grant bail to the petitioner.

5. I have considered the submissions made on both sides and perused the records and it revealed that all the three persons traveled in the two-wheeler in which they carried 21 kgs of ganja, which is a commercial



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quantity. Though it is stated that only weighing scale was recovered from the petitioner herein, admitted all the three persons were traveled together and they were intercepted together and seizure was effected to the extent of 21 kgs which is commercial quantity, Hence, it could not be said that the petitioner was not in a possession of ganja. As held by the Apex Court in ***Union of India through Narcotics Control Burearu, Lucknow Vs. MD.Nawaz Khan [(2021) 10 SCC 100]***, since all persons traveled in the vehicle, they are considered to be in conscious possession. Hence, I am not inclined to grant bail to the petitioner. Accordingly, this criminal original petition is dismissed.

18.12.2025

mpa

To
1.The Inspector of Police,
Selvapuram Police Station,
Coimbatore District.
2.The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J.

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