



WEB COPY

CRL OP No. 224 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-01-2026

CORAM

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CRL OP No. 224 of 2026

Siba Behera

..Petitioner(s)

Vs

State rep.by, The Inspector of Police,
PEW Poonamallee Police Station,
Chennai.
Cr.No.143 of 2025.

..Respondent(s)

Prayer: This petition is filed under Section 483 of BNSS to enlarge the petitioner on bail on the file of II Additional Special Court in EC and NDPS Court at Chennai in C.C.No.1695 of 2025.

For Petitioner(s): M/s.M. Sarath Kumar
P.Hariganesh

For Respondent(s): MR.A. Gopinath, Govt Advocate



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.09.2025, for the offences punishable under Sections 8(c), 20(b)(ii)(c), 29(1) of NDPS Act in Crime No.143 of 2025 registered on the file of the respondent, seeks bail.

2.The case of the prosecution is that on 15.09.2025 the respondent police received a information that some persons near Poonamalle Bus stand involved in illegal transportation of contraband. Based on that, the police team went to the scene of occurrence. On seeing the police, the petitioner along with other accused were trying to escape from that place, immediately the police caught hold of them and conducted enquiry. During the enquiry, they came to know some of the accused belongs to other state and they were found in possession of 21 kgs of ganja. After completing all the mandatory requirements the respondent police seized the contraband and each of the person were carrying 7 kgs of ganja . Hence, the respondent police registered a case against the petitioners.

3. The learned counsel for the petitioner submits that only 7 kgs of ganja was recovered from the petitioner herein and he was not in possession of



contraband to the extent of 21 kilograms of ganja and separate mahazars were prepared and the petitioner was arrested and remanded to judicial custody from 15.09.2025. He further submitted that Section 37 of the NDPS Act would not apply to the petitioner. However, the petitioner is ready to abide by any 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 while opposing the bail to the petitioner, reiterated the prosecution case and submitted that there is no possibility of separating the quantity seized from all the accused and it is a specific case of the prosecution that each of the accused were conscious about the possession of other accused and all of them have come to the place of occurrence for the purpose of delink the contraband. Hence, the total possession of contraband would be taken into account which is of commercial quantity and it could not be separated and prays to dismiss the petition.

5. I have gone through the relevant records and it is seen there is no explanation offered by the accused persons as why they have assembled near the near Poonamalle Bus stand. It is also seen that each person were carrying separate bags. Since investigation also reveals that each person was aware of



the possession of contraband by other accused and it is not a case that they are not aware about the possession of other accused.

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6. Considering the submissions made by both sides and the fact that the quantity involved in this case is commercial in nature and the petitioner failed to satisfy the twin conditions stipulated under Section 37 of the NDPS Act, this Court is not inclined to grant bail to the petitioner. Accordingly, this criminal original petition stands dismissed.

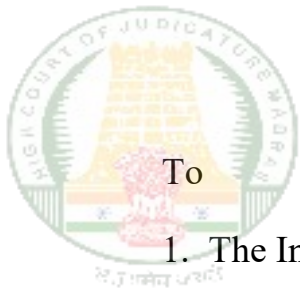
30-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SMN



To

1. The Inspector of Police,
PEW Poonamallee Police Station,
Chennai.

2. The Public Prosecutor,

High Court, Madras



WEB COPY

CRL OP No. 224 of 2



K.RAJASEKAR, J.

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CRL OP No. 224 of 2026

30-01-2026

2/2