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CRL OP No. 6161 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No.368 of 2026

1.Mitu Nayak
2.Sridhara Nayak

..Petitioner(s)

Vs

The State Rep. by the Inspector of Police,
Walajapettai Police Station,
Ranipettai District.
(Crime No.285 of 2025)

..Respondent(s)

Prayer: Criminal Original Petition filed under Section 483 of BNSS, 2023, to enlarge the petitioners on bail in connection with Crime No.285 of 2025 on the file of the respondent police.

For Petitioner(s):

Mr.S.P.Vishnu Prasath

For Respondent(s):

Mr.S.Vinoth Kumar
Government Advocate (Crl. Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on 16.07.2025 for the alleged offences under Section 8(c) r/w Sections 20(b)(ii) (C), 29(1) of NDPS, Act, 1985, in Crime No.285 of 2025, on the file of the respondent police, seek bail.



2. It is the case of the prosecution that on 16.07.2025, based on a secret information, the respondent police and their team went to the scene of occurrence and found the petitioners, along with the other accused in possession of 35 kgs of ganja. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners were arrested on 16.07.2025 and that they have been behind the bar for more than 237 days and that the contraband recovered from the petitioners is only 10 kgs each. He would further submit that the investigation is over and charge sheet has been filed. He would further submit that the petitioners are ready to abide by any stringent condition that may be imposed by this Court and seeks for bail.

4. The learned Government Advocate (Criminal side) appearing for the respondent police reiterated the prosecution case and would submit that the total recovery is 35 kgs and that the petitioners are native of Odisha. He would therefore submit that the rigour under Section 37 of the NDPS Act, would be applicable and apart from that, if the petitioners are enlarged on bail, there is every likelihood to abscond and to avoid trial.



5. I have given my anxious consideration to either side submissions and perused the materials available on record.

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6. From the submissions made by the learned Government Advocate, it is amply clear that the quantity of the contraband comes within the commercial quantity. Hence, as rightly contended by the learned Government Advocate that the rigour under Section 37 of NDPS Act would be applicable. In such view of the position, this Court is not inclined to enlarge the petitioners on bail.

7. Accordingly, this Criminal Original Petition is dismissed.

10-03-2026

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C.KUMARAPPAN, J.

ATA

To

1. The Judicial Magistrate – II, Walajapet.
2. The the Inspector of Police, Walajapettai Police Station, Ranipet District.
3. The Superintendent of Police, Central Prison, Salem.
4. The Public Prosecutor, High Court of Madras.

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