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CRL OP No. 1017 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-02-2026

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP No. 1017 of 2026

1. Sudalainathan

S/o. Thalavai, No.5/67 North Street,
Vadakkor, Aralvoymozhi, Thovalai
Taluk, Kanniyakumari.

Petitioner(s)

Vs

1. The Inspector of Police,
PEW Thiruvallur Police Station,
Tiruvallur. (Cr.No.38/2025)

Respondent(s)

CRL OP No. 1017 of 2026

PRAYER

This petition is filed under Section 483 of BNSS to enlarge the petitioner on bail in C.C.No.1912 of 2025 in Cr.No.38 of 2025, on the file of the I Additional Special Court under EC and NDPS Act.

CRL OP No. 1017 of 2026

For Petitioner(s): M/s.G.Gowsalya
S.Hinduja
A.Arun
S.Susi

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.06.2025 for the offences punishable under Sections 8(c) r/w 20(b)(ii) (c) and 29(1) of NDPS Act in Crime No. 38 of 2025, registered on the file of the respondent police, seeks bail.



2. The case of the prosecution is that on 22.06.2025 at about 11.hrs when the respondent police is on patrol duty they received secret information about the illegal sale of ganja. Based on that, the Sub Inspector of police along with his police team went to the scene of occurrence i.e Thiruvallur Railway station. At that time 4 persons came in a suspicious manner, hence the respondent police intercepted them and conducted search and seizure and recovered 20.500 grams of ganja. It further reveals that the four accused travelled to Odissa to meet A5/Joshwa and received 20.500 kgs of ganja from him and while returning to Tamil Nadu they came through the train and after seeing the police they immediately got down at Tiruvallur Station. Hence, the respondent police seized contraband from them and arrested the accused. Hence, this petition.

3. The learned counsel for the petitioner submitted that though it is stated that 20.500 kgs of ganja was recovered from them, in the F.I.R nowhere it has been stated that from whom the contraband band is recovered. It has been only stated that 4 persons were intercepted and gunny bag with ganja was recovered from them. He further submitted that without any material, the petitioner and other persons were added as accused, on the ground that they are aware about the conscious possession. Hence, there is clear vagueness in F.I.R and filing of the final report. He further submitted that without identifying the person, who carried the bag, the petitioner could not be added as accused and relied on the



order passed by this Court in the case of ***Ganesan Vs The Inspector of Police, NIB CID, Chennai*** in ***Crl.O.P.No.1336 of 2022 on 01.07.2025.***

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4. Per contra the learned Government Advocate reiterated the prosecution case and submitted that all the accused are aware of the possession of other accused. He further submitted that these persons were travelling in train to sell the ganja and on seeing the police they got down at the Tiruvallur Railway Station and they were holding the gunny bags. Hence they were intercepted by the respondent and after complying the mandatory provisions, seized 20.500 kilograms of contraband. He further submitted that A1 and A4 were having share of 5 kgs and 5.330 kgs of ganja, A2 and A3 each were having share of 5.100 kgs of ganja. The total ganja seized was 20.500 kgs which is of commercial quantity. Hence, opposed for grant of bail to the petitioner.

5. I have gone through the F.I.R, seizure memo, confession statement of the A2 and other documents, which reveals that the accused while returning to Tamil Nadu from Odissa they travelled in train and after seeing the police searching trains they immediately alighted at Tiruvallur Station. All the four persons were carrying ganja in a gunny bag to sell it in Tamil Nadu. It seems all were carrying gunny bag. That being the case, this Court is of the view that there is no vagueness in the F.I.R as stated by the learned counsel for the petitioner'.



6. Since all the four persons were carrying the contraband in a gunny bags holding in their hands, I am of the view that further interpretation of all the documents concerning search and seizure would lead to prejudging the issue and elaborate discussion at this stage is not proper and it requires recording of evidence from whom the search and seizure was conducted. Hence the order passed by this court in ***Crl.O.P.No.1336 of 2022 on 01.07.2025*** is not applicable to the present facts of the case.

7. Considering the facts of the case and the quantity involved in this case is commercial quantity and the petitioner failed to satisfy the twin conditions as contemplated under Section 37 of NDPS Act, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

23-02-2026

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No

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To

1. The Inspector of Police,
PEW Thiruvallur Police Station,
Tiruvallur. (Cr.No.38/2025)

2. The Public Prosecutor, High Court, Madras



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CRL OP No. 1017 of 2026



K.RAJASEKAR J.

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