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CrI.OP.No.836 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2026

CORAM

THE HONOURABLE MR JUSTICE **K.RAJASEKAR**

**CrI.O.P.No.836 of 2026**

Maheshkumar

... Petitioner

Vs.

The State rep by  
The Inspector of Police,  
Karamadai Police Station,  
Coimbatore.

... Respondent

**PRAYER :** Criminal Original Petition filed under Section 483 of Bharatiya  
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Cr.No.52  
of 2025, on the file of the respondent/police.

For Petitioner : Mr.R.C.Paul Kanagaraj

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

**ORDER**

The petitioner, who was arrested and remanded to judicial custody on  
25.01.2025 for the alleged offence under Sections 8(c), 20(b)(ii)(c), 25 and  
and 29(1) of NDPS Act in Cr.No.52 of 2025 on the file of the respondent  
police, seeks bail.



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2. The allegation against the petitioner/A2 is that, based on prior information, the respondent police were waiting on the Karamadai to Velliangadu Road at K. Poongapalayam Pirivu. At about 02.15 hours, they intercepted a Jeep in which A1 was travelling, and the petitioner herein was following the said vehicle on a two-wheeler. Both vehicles were stopped. The Sub-Inspector of Police, who was the Search Officer, introduced himself and informed them about the information received. Thereafter, after complying with the mandatory provisions of law, the statement of A1 was recorded at about 06.00 a.m. Subsequently, 21 kgs of ganja and other materials were recovered from A1. At about 07.00 a.m., 4 kgs of ganja was recovered from the petitioner herein. Hence, the case was registered and the accused were arrested.

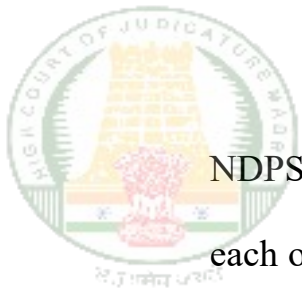
3. The learned counsel appearing for the petitioner submitted that separate seizures were effected at different points of time and that 4 kgs of ganja was recovered from A2 independently. Though it is alleged that both accused conspired together and transported ganja, no material has been produced before the Trial Court to substantiate such conspiracy or to show that both had knowledge of the contraband possessed by each other. He further submitted that when A1 was travelling in a Jeep carrying 21 kgs of



ganja, there was no necessity for the petitioner to follow him carrying 4 kgs of ganja, and the allegation is false. It is also submitted that there are two separate seizures and two separate mahazars. Therefore, the contraband seized from A1 and A2 cannot be clubbed together. The quantity seized from the petitioner is only 4 kgs of ganja, which is not commercial quantity. Hence, Section 37 of the NDPS Act is not applicable to the petitioner. Therefore, he prayed for grant of bail.

4. Per contra, the learned Government Advocate (Crl. Side), appearing for the respondent police, reiterated the prosecution case and submitted that based on prior information, both A1 and the petitioner were travelling in two different vehicles at odd hours and were intercepted at the same time. Both vehicles were found to be carrying ganja, which was intended to be sold to third parties in Kerala. He further submitted that A1 and A2 were aware of the contraband possessed by each other and were in conscious possession of the same. Hence, he opposed the grant of bail.

5. I have also gone through the records and other connected materials. It reveals that A1 and A2 were intercepted at about 02.15 hours. Admittedly, they were travelling in two different vehicles and were moving closely with each other. They were informed of their right to be searched in the presence of a Magistrate or Gazetted Officer in compliance with Section 50 of the



NDPS Act. Thereafter, separate searches and seizures were effected from each of them after recording their statements. Merely because the statements were recorded and seizures were effected with a time gap, that alone cannot be a ground to segregate the seizure effected from A2.

6. The crucial point for consideration is whether the petitioner was aware of the 21 kgs of ganja seized from A1. It is seen that both A1 and A2 were travelling together at odd hours in close proximity. The quantity seized from A1 is 21 kgs, which is a commercial quantity. Though reliance cannot be placed solely on the confession statement at this stage, the circumstances indicate that both were travelling closely at odd hours and both vehicles were carrying ganja, which prima facie shows knowledge and conscious possession. In such circumstances, merely because separate searches and seizures were effected, the petitioner cannot claim that he had no knowledge of the contraband seized from the co-accused. Therefore, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition stands dismissed.

**24.02.2026**

Vv



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To

1. The Inspector of Police,  
Karamadai Police Station,  
Coimbatore.

2. The Public Prosecutor,  
High Court of Madras.



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**K.RAJASEKAR, J.**

Vv

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