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CrI.OP.No.1432 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2026

CORAM

THE HONOURABLE MR JUSTICE K.RAJASEKAR

CrI.O.P.No.1432 of 2026

Jaison

... Petitioner

Vs.

The Inspector of Police,
Madhavaram Police Station,
Kolathur District.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, to enlarge the petitioner herein on bail, in
connection with Cr.No.564 of 2025 on the file of the respondent police.

For Petitioner : Mr.B.R.Jayaprakash Narayan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on
01.09.2025 for the alleged offence under Sections 8(c), 22(b), 22(c), 25 and
29(1) of NDPS Act, 1985 in Crime No.251 of 2025 on the file of the
respondent police, seeks bail.



2. The case of the prosecution is that on 22.08.2025, based on a secret information regarding illegal transportation and selling of ganja, the police party went near Arul Nagar Ground, Madhavaram and surrounded the petitioner along with other accused persons after compliance of Section 50 of NDPS Act and during search, it was found that A2/Abhishek was found to be in possession of 7 Nos.LSD Stamp-0.12 mg and one plus mobile phone and electronic weigh Machine; A3/Lingeshwaran was found in illegal possession of 2.70grams of Methamphetamine and Motorola mobile phone; A1/Eswar was found in illegal possession of 11.60 grams of MDMA Ecstasy pills tablet-23 Nos and one plus grey colour mobile phone and one bike. A4/Vasantharaj and A5/Vicky each were found in illegal possession of 2.30 grams of Methamphetamine and based on the confession of A1 and A2, this petitioner has been arrayed as an accused no.7 in this case and seized the same under the cover of mahazar. Hence, the case has been registered.

3. Earlier, this Court vide order dated 03.12.2025 in Crl.OP.No.31463 of 2025 dismissed the petitioner's earlier bail petition on the following reasons:

“ On careful perusal of the prosecution case, it reveals that the petitioner along with other accused acted jointly, came together to the spot with a common object and intention of trafficking and selling of various types of contraband to the



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general public and also the fact that the petitioner along with others were also aware of the possession of contraband with each of them and considering the total quantity of various types of contraband involved in this case, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition stands dismissed”.

4. Similarly, this Court, while dismissing the bail applications of the co-accused in Crl.O.P.Nos.26786 and 27554 of 2025, vide order dated 16.10.2026, who were similarly placed, assigned the following reasons:”

“ 8.In this case, the petitioners have been arrested on 22.08.2025 and the investigation is in preliminary stage and considering the verocity and validity of sampling at this point of time cause prejudice to both sides. Hence, this Court is of the view that considering the validity of taking sample at this point of time is not proper and the same would be appropriate only after filing of final report.

9. The next contention of the learned counsel for the petitioner is that the contraband alleged to have seized from the petitioners herein is of intermediate quantity, hence rigors of Section 37 of NDPS Act is not applicable to the present case. However, on careful perusal of the prosecution case as on today, it reveals that the petitioners along with



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other accused acted jointly, came together to the spot with a common object and intention of illegal trafficking and selling of various types of contraband to the general public and also the fact that they were also aware of the possession of the contraband with each other, hence segregation of possession of each person for the purpose of determining applicability of commercial quantity at this stage is not possible. Considering the total quantity of various types of contraband involved in this case, I am of the view that the rigors of Section 37 of NDPS Act is applicable to the present case.

5. The learned counsel for the petitioner submitted that one of the co-accused (A6) was granted bail in Crl.RC.No.2485 of 2025 vide order dated 19.12.2025, hence, there is change of circumstances and prays to grant bail to the petitioner.

6. This Court is unable to accept the said contentions, since the co-accused have granted bail on the ground of illegal remand which was challenged by way of revision before the revision court and the same reasons are not applicable to the case of the petitioner herein. Further, investigation in this case is still pending. Hence, there is no change of circumstances after dismissal of earlier bail petition, I am not inclined to grant bail to the petitioner.



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7. Accordingly, this Criminal Original Petition is dismissed.

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Vv

To

1. The Judicial Magistrate, Madhavaram
2. The Inspector of Police,
Madhavaram Police Station,
Kolathur District.
3. The Public Prosecutor
High Court of Madras, Chennai 600 104.



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K.RAJASEKAR, J.

Vv

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