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Crl.O.P.No.2527 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2026

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.2527 of 2026

Nithonel Gomango

... Petitioner

Vs.

The State represented by
The Inspector of Police,
PEW Ambattur, Avadi,
Thiruvallur.
(Crime No.91 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner/Accused on bail in
Crime No.91 of 2025 pending on the file of the respondent Police.

For Petitioner : Mr.S.Venkatesan

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

ORDER

The petitioner, who were arrested and remanded to judicial custody on
07.06.2025, for the offence punishable under Sections 8(c) read with Section
20(b)(ii)© and 29(1) of NDPS Act in Crime No.91 of 2025, registered on the
file of the respondent, seeks bail.



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2. The allegation against the petitioners is that the petitioners have involved in transportation and possession of 30 kgs of Ganja. It is alleged that on 06.06.2025, the respondent police received a secret information that, four persons were selling Ganja at Pattaravakkam Railway Station and the respondent police went to the spot and found four persons were standing in a suspicious manner and the respondent conducted a search and seized 10 kgs of Ganja each from A1 to A3 and a mobile phone from the petitioner/ A4 and they were later arrested and the mobile phones were recovered. Hence, the case was registered.

3. The learned counsel for the petitioner submitted that the contraband was seized only A1 to A3 and the petitioner is A4 and from him only a mobile phone has been recovered. Hence, Section 37 of NDPS Act is not applicable to him, He further submitted that the petitioner is ready to co-operate with the investigation and hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) submitted that the petitioner was present along with the other accused, from whom the contraband was seized and he was actively participated in the transportation



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and possession of ganja, his participation has been investigated and final report also filed. He further submitted that the petitioner along with other accused regularly talking with each other through phone for purpose of facilitating the possession and transportation of ganja of 30 kgs. He further submitted that the list witnesses LW6, LW7, LW9 and LW10 has also been listed to speak about the petitioner's travel along with A1 to A3 and also to the place where the ganja was purchased and in the place where the ganja was seized by the respondent police. Hence, there are sufficient materials available against the petitioner herein to implicate in this case and hence he prayed for dismissal of the petition.

5. Considering the fact that the petitioner also travelled along with A1 to A3 who were in possession and transportation of 30 kgs ganja and the petitioner was also present while the ganja was recovered from the other accused hence he was also in conscious possession of contraband, and hence Section 37 of NDPS Act is applicable. Further, Section 54 and 35 of NDPS is applicable to the present case. This Court is of the view that, petitioner could not be plead that there is no recovery from him and his active participation has been spoken by LW6,LW7, LW9 and LW10. Hence, this Court is not inclined to grant bail to the petitioner.



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6. Accordingly, this Criminal Original Petition is dismissed.

04.02.2026

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To

1. The Inspector of Police,
PEW Ambattur, Avadi,
Thiruvallur.

2. The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J.

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