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Crl.O.P.No.2416 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2026

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THE HONOURABLE Mr. JUSTICE C.KUMARAPPAN

Crl.O.P.No.2416 of 2026

R.Senthamarai

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Keelaiyur Police Station,
Nagapattinam District.
(Crime No.266 of 2025)

... Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023, to enlarge the petitioner on bail in the event of her arrest in connection with Crime No.266 of 2025 dated 26.12.2025, for the alleged offences under Section 123 of BNS, 2023 and Sections 8(c), 20(b)(ii)(C), 29(1) and 25 of the NDPS Act, 1985 on the file of the respondent police.

For Petitioner : Mr.S.Thirumurugan

For Respondent : Mr.P.Dhileepan
Government Advocate (Crl.Side)

ORDER

The petitioner apprehends arrest for the alleged offences under Section 123 of BNS, 2023 and Sections 8(c), 20(b)(ii)(C), 29(1) and 25 of the Narcotics Drugs and Psychotropic Substances Act, 1985 (in short 'the Act') in



Crime No.266 of 2025 on the file of the respondent police seeks anticipatory bail.

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2. The allegation against the petitioner is that the petitioner and other accused were involved in illegal transportation of ganja containing 140Kgs, through the vehicle belonging to the petitioner. Hence, the case.

3. The learned counsel for the petitioner submits that the only allegation against the petitioner is that the vehicle, which stands in her name, was used for the purpose of transporting ganja. He further submits that the petitioner is a Teacher and has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that the Ganja recovered is 140 Kgs which falls under the commercial quantity. Hence, he prayed to dismiss the present criminal original petition.

5. Heard the arguments advanced on either side and perused the materials available on record.



6. From the submission made by the learned Government Advocate (CrI.Side), it is seen that the quantity of ganja recovered is 140 kgs, which falls under the category of commercial quantity. Therefore, the rigour of Section 37 of the Act is attracted. Once Section 37 of the Act is applicable, the petitioner cannot be enlarged on bail unless the statutory conditions prescribed therein are satisfied. When even regular bail is subject to such stringent conditions, the question of granting anticipatory bail does not arise. Though the learned counsel contends that the petitioner is a teacher and merely the registered owner of the vehicle, and that the alleged recovery cannot automatically be attribute to her, such disputed questions of fact cannot be adjudicated in a petition seeking anticipatory bail.

6. In view of the above, this Court does not find any merit in the present anticipatory bail application. Accordingly, this criminal original petition is dismissed.

04.03.2026

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To

- 1.The District Munsif and Judicial Magistrate, Keelvelur.
- 2.The Inspector of Police,
Keelaiyur Police Station,
Nagapattinam District.
- 3.The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN.J.

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