



WEB COPY

CRL OP No. 5875 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 5875 of 2026

Aljiyani

..Petitioner

Vs

The State rep by
The Inspector of Police,
PEW Poonamallee,
Avadi City Police,
Cr.No.29/2025

..Respondent

Prayer: Criminal Original Petition filed under section 483 of BNS Act to enlarge the petitioner on bail pending trial in CC.No.573 of 2025 on the file of the II Additional Special Court for EC and NDPS Act, Chennai in Cr.No.39/2025.

For Petitioner:

Mr.N.Ramachandran

For Respondent:

Mr. Vinoth Kumar
Government Advocate (Crl Side)

Order

The petitioner, who was arrested and remanded to judicial custody on 31.01.2025 for the alleged offence under Section 8(c) r/w. 20(b)(ii)(c) of NDPS Act, 1985 in Crime No.29 of 2025 on the file of the respondent police, seeks bail.



2. The case of the prosecution is that the petitioner was found in possession of 8 packets containing 2.30 kgs of ganja and 2 packets containing 2.530 kgs of ganja, totalling 21.400 kilograms of ganja. Hence, this case.

3. The learned counsel for the petitioner submitted that the petitioner has been incarcerated since 31.01.2025 and the contraband recovered from the petitioner is 21.400 kgs of ganja which is a commercial quantity. Though, it is a commercial quantity, taking into consideration, the long incarceration of the petitioner, he prays for grant of bail to the Petitioner.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the Respondent Police reiterated the prosecution case. The contention of the learned counsel for the petitioner was totally objected by the learned Govt Advocate (Crl.Side) on that ground that the petitioner has seven previous cases, out of which, one case is under NDPS Act and he further submitted that the very nature of the petitioner involving in NDPS case would disclose that he is unfit to overcome the rigour of section 37 of the NDPS Act. Hence, he opposed the grant of bail to the Petitioner.

5. I have given my anxious consideration to either side submissions and perused the materials available on record.



6. From the submissions made by the learned counsel on either side and particularly from the submission of the learned counsel for the petitioner, it is clear that the quantity of contraband recovered from the petitioner is a commercial quantity. Notwithstanding the fact, petitioner has been incarcerated since 31.01.2025, from the conduct of the petitioner and his involvement in similar nature of offences, even after he was enlarged on bail in another case, it would clearly demonstrate that the petitioner is misusing the liberty granted by the Court. Considering the fact that the petitioner is having previous cases and upon the fact that the quantity involved is commercial one, this Court is not inclined to enlarge the petitioner on bail. Hence, this Criminal Original Petition is dismissed.

24-03-2026

SHL

To:

1. The II Additional Special Court for EC and NDPS Act, Chennai

2. The Inspector of Police,
PEW Poonamallee,
Avadi City Police.

3. The Public Prosecutor
High Court of Madras



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C.KUMARAPPAN J.

SHL

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