



WEB COPY

CRL OP No. 3962 and 3998 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 3962 and 3998 of 2026

Pushbendra Singh

..Petitioner in
Crl.O.P.No.3962 of
2026

Sunil @ Jayaprakash

..Petitioner in
Crl.O.P.No.3998 of
2026

Vs

The State rep by
Sub- Inspector of Police,
R-3, Ashok Nagar Police Station,
Chennai.

..Respondent in both
CRL.OP's

COMMON PRAYER: Criminal Original Petition filed under Section 483 of BNSS to enlarge the petitioners on bail in C.C.No.396 of 2025 on the file of I Additional Special Court for EC and NDPS Act, Chennai.

In both Crl.OP's

For Petitioners:

Mr.S.Kasirajan

For Respondent:

Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)



ORDER

WEB COPY

The petitioners, who were arrested and remanded to judicial custody on 01.12.2024 for the alleged offence under Sections 8(c) r/w 22(c), 29(1) of NDPS Act, 1985 in Crime No.449 of 2024 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioners vehemently contended that the petitioners are A1 and A2. According to the prosecution, 11 grams of Methamphetamine was recovered from A1, 37 grams of Methamphetamine was recovered from A2 and 11 grams of Methamphetamine was recovered from A3. It is the specific submission of the learned counsel for the petitioners that when the prosecution came up with the case that A1 to A3 are connected through an app, such factum was not at all proved before this Court by the seizure of the mobile phone and CDR particulars and there are no records available before this Court in respect of money transfer among them. Therefore, the recovery of different quantity of contraband from different persons cannot be clubbed together to make it as a commercial quantity.

3. It is the further submission of the learned counsel for the petitioners that he has not been provided with the grounds of arrest as mandated by the



Hon'ble Supreme Court in various judgments, more specifically in the judgment of the Hon'ble Supreme Court in the case of ***Vihaan Kumar Vs State of Haryana and another*** reported in ***(2025) 5 SCC 799***.

4. At this Juncture, the learned Government Advocate (Crl.Side) strongly opposed the bail application and contended as against this petitioners, this Court has already passed an order dated 28.01.2026 and there are no change in circumstances. He further relied upon the finding rendered by this Court where this Court had recorded that there are *prima facie* materials in respect of their common object and intention and conscious possession of contraband by each other.

5. It is the further submission of the learned Government Advocate (Crl.Side) that quantity recovered from all the three accused comes within the commercial quantity and that petitioners cannot take grounds of arrest as a defence as their arrest was prior to the judgment of the Hon'ble Supreme Court in the case of ***Mihir Rajesh Shah v. State of Maharashtra*** and he would also rely upon the judgment rendered by this Court in the case of ***Sundar Rao Vs. Union of India & connected cases*** reported in ***2026 MHC 1100*** where this Court had dealt about this judgment in respect of grounds of arrest jurisprudence. Hence, he prayed to dismiss the bail application.



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

WEB COPY

7. From the submissions made by the learned counsel on either side, it is seen though the learned counsel for the petitioners dealt about the recovery from these petitioners cannot be clubbed together to make it a commercial quantity, as rightly contended by the learned Government Advocate (Crl.Side), this Court in Crl.OP.No.19432 of 2025 vide order dated 28.01.2026 had discussed these aspects and had recorded that there are *prima facie* materials for a common object and intention of illegal trafficking and selling contraband to the general public and also had recorded that each accused is aware of the possession of the contraband with each other. Ultimately, found that the segregation of possession of each person for the purpose of determining the commercial quantity is not possible at this stage. As rightly contended by the learned Government Advocate (Crl.Side), there is no change in the circumstances from the finding of this Court in Crl.OP.No.19432 of 2025.

8. Apart from that, the learned counsel for the petitioners relied upon the judgment in the case of ***Vihaan Kumar Vs State of Haryana and another*** and contended that the grounds of arrest has not been given. At this juncture, it is appropriate to refer the judgment of this Court in the case of ***Sundar Rao Vs. Union of India & connected cases*** reported in ***2026 MHC 1100*** where this



Court had referring about the various judgment of the grounds of arrest jurisprudence including *Vihaan Kumar Vs State of Haryana and another* judgment and held that that defence of grounds of arrest could only be made after the judgment of *Mihir Rajesh Shah v. State of Maharashtra*. Admittedly, this arrest had taken prior to the judgment in the case of *Mihir Rajesh Shah v. State of Maharashtra*. Therefore, this Court is of the firm view that the even the grounds of arrest defence will be of no use to these petitioners.

9. As rightly contended by the learned Government Advocate (Crl.Side), this is a case of commercial quantity. Therefore, the rigour of section 37(1)(b) (ii) of NDPS Act would squarely applicable. To overcome such rigour, there are no materials available before this Court and this Court also could not find any materials from the submission made by the learned counsel for the petitioners. Therefore, these Criminal Original Petitions deserves to be dismissed. Both the Criminal Original Petitions are dismissed.

23.03.2026

SHL



To:

1. The I Additional Special Court for
EC and NDPS Act, Chennai.
2. Sub- Inspector of Police,
R-3, Ashok Nagar Police Station,
Chennai.
3. The Public Prosecutor
High Court of Madras



WEB COPY

CRL OP No. 3962 and 3998 of 2



C.KUMARAPPAN J.

SHL

CRL OP Nos. 3962 and 3998 of 2026

23.03.2026