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CRL OP No. 4652 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 4652 of 2026

Bandaru Kumar Babu

..Petitioner(s)/
Accused No.2

Vs

State Rep.By
Inspector Of Police,
PEW – Pallikaranai Police Station,
Tambaram City.
(Crime No.14 of 2025)

..Respondent(s)

Prayer: Criminal Original Petition filed under Section 483 of BNSS, 2023, to enlarge the petitioner on bail in Crime No.14 of 2025 pending investigation on the file of the respondent police.

For Petitioner(s): Mr.G.Murugendran

For Respondent(s): Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.03.2025 for the alleged offences under Sections 8(c), 20(b)(ii)(C) and 29(1) of NDPS Act, 1985 in Crime No.14 of 2025 on the file of the respondent police, seeks bail.



2. The case of the prosecution is that the petitioner along with other accused was found in illegal possession of 30 kg of Ganja. Hence, the case.

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3. The learned counsel for the petitioner would submit that the contraband allegedly seized from the petitioner is only 15 kg of Ganja. He would further submit that the petitioner was granted bail in a connected matter in SLP (Crl.) No.14069 of 2024, by dated 06.01.2025, passed by the Hon'ble Supreme Court. When the petitioner was on bail pursuant to the said order, the respondent allegedly foisted a false case against him on 07.03.2025. Hence, it is contended that, as the petitioner has been in prolonged incarceration for more than one year, his case may be considered for grant of bail.

4. The said contention was strongly opposed by the learned Government Advocate (Crl.Side) on the ground that, though the petitioner was enlarged on bail by the Hon'ble Supreme Court, he had misused the liberty granted to him. The learned Government Advocate would further submit that, despite claiming that he was falsely arrest in this case, the petitioner has not given any complaint with the higher authorities. It is also contended that, as the petitioner is a resident of Andhra Pradesh, there is every likelihood of absconding.

5. I have given anxious consideration to the submissions made by the learned counsel on either side.



6. Though the learned counsel for the petitioner would submit that only 15 kg of Ganja was recovered from the petitioner and another 15 kg is from A1, the total quantity recovered in this case is 30 kg of Ganja. Therefore, it falls within the category of commercial quantity.

7. However, as rightly contended by the learned Government Advocate (Crl.Side), had there been a false case against the petitioner, he would have lodged a complaint with the higher authorities to substantiate the same. As of now, no such complaint has been made. Therefore, such objections cannot be taken into consideration while deciding the bail application.

8. Besides, the fact that the petitioner was involved in a previous case and was granted bail, and his subsequent involvement in a similar type of offence, would indicate that he has misused the liberty granted by the Court.

9. As rightly contended by the learned Government Advocate, since the contraband involved is of commercial quantity, the rigour under Section 37 of NDPS Act is attracted. To overcome such rigour, no material has been placed before this Court. Further, as rightly submitted by the learned Government Advocate, this being the second offence committed after the petitioner was enlarged on bail by the Hon'ble Supreme Court, strengthens the case for



dismissal of this application. Hence, this Court does not find any merit in this petition. Accordingly, this criminal original petition is dismissed.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

dpa

To

1. The Court of Special Judge, I
I Additional Special Court for Exclusive Trial of cases under NDPS Act,
Chennai – 600 104.
2. The Superintendent, Central Prison, Puzhal. Chennai
3. The Inspector Of Police, PEW – Pallikaranai Police Station, Tambaram City.
4. The Public Prosecutor, High Court of Madras



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C.KUMARAPPAN, J.

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