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CRL OP No. 6662 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 6662 of 2026

Murugesan

..Petitioner/A2

Vs

State Rep. by
The Inspector of Police,
PEW Adyar, Police Station,
Chennai.

..Respondent

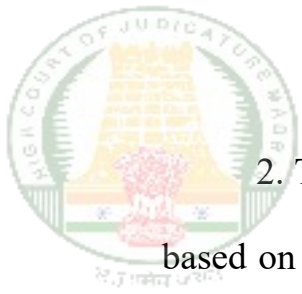
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in C.C.No. 719 of 2025 in Crime No.96 of 2025 on the file of the 1st Additional Special Court for Exclusive Trial of Cases under NDPS Act Cases, Chennai.

For Petitioner: Mr.Srikanth Kolla

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

ORDER

The petitioner/A2, who was arrested and remanded to judicial custody on 08.05.2025 for the alleged offences under Sections 8(c) r/w 20(b)(ii), 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.96 of 2025 on the file of the respondent police, seeks bail.



2. The case of the prosecution is that on 08.05.2025 at about 16.00 hours, based on information, the respondent police apprehended A1 at Thiruvanmiyur ECR Market Bus Stop and seized 21 kgs of Ganja. Based on the confession statement of A1, the petitioner/A2 was arrested and 4 kgs of ganja was recovered from the petitioner/A2.

3. The learned counsel appearing for the petitioner/A2 would submit that what was recovered from him is only 4 kgs and the major quantity was recovered from A1. It is further submitted that based on the confession of A1, the petitioner/A2 was arrested and has been in custody since 08.05.2025. The learned counsel would also rely upon the judgment of this Court in Crl.O.P. (MD)No.21935 of 2025 dated 10.01.2025 and would submit that separate seizure must be made and the recovery cannot be included along with the main accused. Therefore, according to him, the recovery from the petitioner would only amount to intermediate quantity. Hence, he prays to enlarge the petitioner on bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner/A2 was involved in criminal conspiracy and only based on the confession of A1, he was arrested and 4 kgs of ganja was recovered. Apart from that, there are scientific evidences such as call detail records (CDR) and cell phone tower records linking the petitioner/A2



with A1. It is further submitted that all the accused have acted in furtherance of a common object and therefore the recovery has to be taken together, which constitutes commercial quantity and attracts Section 37 of the Narcotic Drugs and Psychotropic Substances Act (NDPS), 1985.

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

6. No doubt, the learned counsel for the petitioner relied upon the judgment in Crl.O.P.(MD)No.21935 of 2025 dated 10.01.2025. However, in that case, there is no reference to any criminal conspiracy and there are no records to club the recovery so as to conclude that the smuggling was in furtherance of a common object. Whereas, in the present case, according to the prosecution, there are abundant records which have been extracted in the Counter statement of the learned Government Advocate (Crl.Side), as follows:-

“Para 4: The contention that there is no evidence linking A2 with A1 or the seizure of 21 Kgs is denied. Call records, location data and investigation establish criminal conspiracy under Section 29 NPDS Act.

The call detail records (CDR) and subscriber detail record (SDR) of the accused, A1 (8015696601), A2/petitioner (8825410360, 8008209731) A3 (9160240762) was received from consent mobile network nodal.



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A2/petitioner (8825410360, 8008209731) conducted to A1 (8015696601) for more than 7 times and A3 (9160240762) for many times.

A1 and A2/petitioner mobile number are in same Airtel tower cell id (404-49-31223-233186061, 2331830270-Anakapalli Andhra Pradesh) dated on 07.05.2025 at 15.16 hrs this was concluded that A1 and A2/petitioner meet each other.”

7. Apart from that, as per the judgment of the Honourable Supreme Court of India in the case of ***Narcotics Control Bureau vs. Mohit Agarwal reported in (2022) 18 SCC 374***, whenever CDR files and cell phone tower records are produced, it is for the trial Court to consider the same.

8. In view of the above, the mere recovery of 4 kg alone cannot be construed as an intermediate quantity, as the total recovery is 25 kgs along with A1, which was in furtherance of a criminal conspiracy. Hence, this Court is of the firm view that the same would fall within the definition of commercial quantity. Further, to overcome the rigour under Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, this Court could not find any material either from the petition or from the submission of the learned counsel for the petitioner.



9. Accordingly, this Criminal Original Petition is devoid of merits and stands dismissed.

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To

1. The Inspector of Police, PEW Adyar Police Station, Chennai.
2. The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN, J.

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