



WEB COPY

CRL OP No. 7622 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 27-04-2026**

CORAM

**THE HON'BLE MR.JUSTICE C.KUMARAPPAN**

**CRL OP No. 7622 of 2026**

Sundar

..Petitioner

Vs

The State represented by  
Inspector of Police,  
NIB CID, Chennai Zonal Unit,  
Chennai. Crime No.13 of 2024

..Respondent

**PRAYER :** Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge this Petitioner/Accused herein on bail in C.C.No.772 of 2024 on the file of the Principal Special Court for EC & NDPS Act.

For Petitioner:

Mr.S.Kasirajan

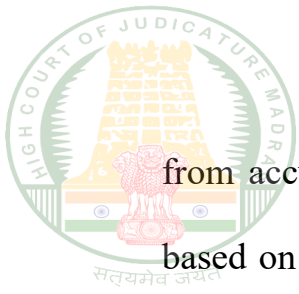
For Respondent:

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

### **ORDER**

The petitioner, who was arrested and remanded to judicial custody on 05.04.2024 for the alleged offences under Sections 8(c), 20(b)(ii)(C), 25 and 29 of Narcotic Drugs and Psychotropic Substances Act (NDPS), 1985, in Crime No.13 of 2024 on the file of the respondent police, seeks bail.

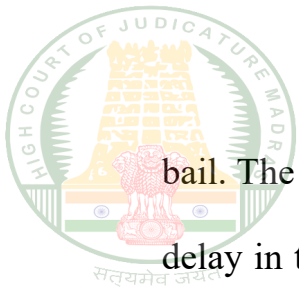
2. The case of the prosecution is that based on secret information, the respondent police intercepted the accused and initially recovered 6 kgs of Ganja



from accused No.1 and 4 kgs of ganja from Accused No.2 and subsequently, based on the confession, conducted search and recovered 259.200 kgs of ganja from the premises. Hence, the case was registered.

3. The learned counsel appearing for the petitioner would submit that initially the recovery was only 4 kgs and 6 kgs and thereafter, based on the alleged confession, a false case has been foisted as if there was recovery of 259 kgs of ganja. It is further submitted that no proper grounds of arrest were furnished to the petitioner and there was delay in conducting the procedures. The learned counsel would further submit that the mandatory provisions under Section 50 of the NDPS Act have not been complied with and the alleged search and seizure are vitiated. It is also submitted that the petitioner has been in custody for a considerable period and delay in trial should be taken into consideration. Hence, he prays to grant bail to the petitioner.

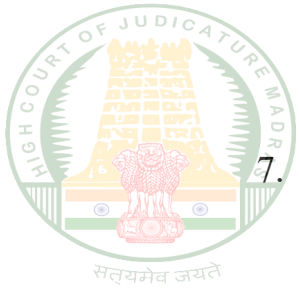
4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that based on the confession statement, a huge quantity of 259 kgs of ganja was recovered from the premises, which is a commercial quantity. It is further submitted that though the learned counsel for the petitioner raised the issue regarding grounds of arrest, the arrest in this case was prior to the judgment of the Hon'ble Supreme Court in ***Mihir Rajesh Shah v. State of Maharashtra*** and therefore, the same cannot be a ground to consider



bail. The learned Government Advocate (Crl.Side) would further submit that the delay in trial is not attributable to the prosecution and the case involves serious offence under NDPS Act attracting Section 37.

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

6. This Court is of the view that from the submission of the learned counsel on either side, though it is contended that initially the recovery was only 4 kgs and 6 kgs, the materials placed by the prosecution show that based on the confession, a total quantity of 259 kgs of ganja was recovered. Coming to the contention regarding delay, though two years may be considered as a long period, delay alone cannot be a ground to overcome the rigour under Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act). It is also relevant to note that according to the respondent, the delay in trial is partly due to applications filed by the petitioner for securing CDR records and other materials. Taking into consideration the huge quantity of contraband recovered and the statutory bar under Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS) Act, this Court does not find any ground to enlarge the petitioner on bail.



7. Accordingly, this Criminal Original Petition stands dismissed.

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To

1. The Inspector of Police,  
NIB CID, Chennai Zonal Unit, Chennai.

2. The Principal Special Court for EC & NDPS Act.



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**C.KUMARAPPAN, J.**

**NSL**

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