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CRL OP No. 6843 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 6843 of 2026

Silu Chhinchani S/o.Krishnadoss,
Jhalar Singh (Post),
Samhalpur, Gajapati District,
Odisha-680 974.

..Petitioner(s)

Vs

The State represented by:

The Inspector of Police,
PEW Tambaram Unit Police Station,
Chennai District.
Cr.No.52/2025.

..Respondent(s)

PRAYER: The Criminal Original Petition has been filed under Section 483 of B.N.S.S. praying to enlarge the petitioner on bail pending investigation in connection with CC.No.758 of 2025 on the file of the Special Judge, I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai.

For Petitioner(s): Mr. G.Mohana Krishnan

For Respondent(s): Mr. S. Vinoth Kumar,
Government Advocate (Criminal side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on



08.04.2025 for the alleged offences under Section 8(c), 20(b)(ii)(C) of NDPS Act, 1985 in Cr. No.52 of 2025 on the file of the respondent police, seeks bail.

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2. The *case of the prosecution* is that on 08.04.2025, the petitioner was found in illegal possession of 22 kgs of Ganja in two bags of 10 kgs and 12 kgs respectively and hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he is under incarceration since 08.04.2025. He would further submit that according to the prosecution, the total recovery of contraband is 22 kgs of Ganja, charge sheet has been filed and the matter has been posted for trial and therefore, if the petitioner is enlarged on bail, it will not jeopardise the prosecution case and hence prayed to enlarge the petitioner on bail.

4. At this juncture, the learned Government Advocate (Criminal side) appearing for the respondent police would submit that the petitioner is the sole accused in this case and the recovery made from the petitioner is 22 kgs of Ganja, which is a commercial quantity. However, he would fairly submit that investigation was completed and charge sheet has also been filed and the case has been taken on file in C.C. No.758 of 2025 before the Special Court for EC & NDPS Act, Chennai and the next hearing date is on 08.04.2026 for engaging a counsel. Therefore, he strongly objected the bail application.



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

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6. Though the learned counsel appearing for the petitioner would submit that the petitioner is under judicial custody for the past more than one year since 08.04.2025, as rightly contended by the learned Government Advocate that this is the case of commercial quantity, the rigors under Section 37 of NDPS Act will attract and to overcome such defence, the filing of the charge sheet cannot be a ground. Further this Court could not find any other ground to overcome the rigors under Section 37 of NDPS Act. Therefore, this Court is not inclined to enlarge the petitioner on bail.

7. Accordingly, this Criminal Original Petition is **dismissed**. *However, taking into consideration of the factual position and upon the fact that the case was registered on 04.09.2025, this Court would like to request the Special Judge, Special Court for EC & NDPS Act, Chennai to dispose the case as expeditiously as possible.*

02-04-2026

MJS



Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.

2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

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



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C.KUMARAPPAN, J.

MJS

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