



WEB COPY

CRL OP No. 7948 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-03-2026

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THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 7948 of 2026

Lovaraj

..Petitioner(s)

Vs

State of Tamil Nadu
Rep. by Inspector of Police
Prohibition Enforcement Wing,
Guduvanchery.

..Respondent(s)

Criminal Original Petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to enlarge the petitioner on bail in connection with Crime No.212 of 2024 on the file of the respondent police, pending trial, and thus render justice.

For Petitioner(s): Mr.G.S.Mani

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.07.2026 for alleged offences under Sections 8(c), read with Sections 20(b) (ii)(C) and 29(1) of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985, in Crime No.212 of 2024 on the file of the respondent police, seeks bail.



2. The case of the prosecution is that, acting on secret information regarding the illegal sale of contraband, the respondent police conducted a raid near the Madampakkam Bridge, Guduvanchery. During the search operation, the accused persons were allegedly found in possession of 50 kilograms of Ganja. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner has been in custody since 17.11.2023. It is contended that the timeline recorded in the F.I.R. regarding the arrest and seizure is highly improbable and artificial. He further contended that the absence of independent witnesses during the seizure further weakens the prosecution's case.

4. The learned Government Advocate (Criminal Side) appearing on behalf of the respondent police would strongly oppose the grant of bail, and submitted that the total recovery from the two accused persons, who were travelling together in a vehicle, is 50 kilograms. While 26 kgs were recovered from this petitioner and 24 kgs from the co-accused, the joint possession constitutes a commercial quantity. Furthermore, the learned Government Advocate would point out that the petitioner has a prior criminal antecedent in Crime No.9 of 2022 at Kanchipuram Police Station, which also involved a commercial quantity of contraband and the case is pending for trial.



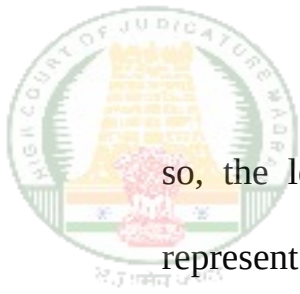
5. I have given my anxious consideration to the submissions made by the learned counsel on either side.

6. The primary contention regarding the "artificiality" of the F.I.R. timeline and the lack of independent witnesses relates to technical aspects of the investigation. It is well-settled that such technicalities cannot be adjudicated at the stage of considering a bail application and are matters to be adjudicated during a full-fledged trial.

7. Considering the petitioner's criminal antecedents and the fact that the recovery in the present case involves a commercial quantity (50 kgs), the rigour under Section 37 of the NDPS Act squarely applies. This Court finds no substantial grounds or material evidence to overcome the statutory rigour. Consequently, this Court is of the view that the petition is devoid of merits.

8. Accordingly, this Criminal Original Petition is **dismissed**.

9. At this juncture, it is brought to the notice of this Court by the learned Government Advocate that the petitioner is intentionally delaying the trial proceedings by not engaging counsel. Hence, the petitioner is directed to engage a counsel within a period of one month from today. If the petitioner fails to do



so, the learned Trial Judge is at liberty to appoint a Legal Aid Counsel to represent the petitioner and proceed with the trial expeditiously.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Jeni



To

- 1.The Special Court for Exclusive Trial of cases under NDPS Act, Chennai.
- 2.The Superintendent, Central Prison, Puzhal, Chennai.
- 3.The Inspector of Police, Prohibition Enforcement Wing, Guduvanchery.
- 4.The Public Prosecutor, High Court of Madras, Chennai.



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C.KUMARAPPAN, J.

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