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CRL OP No. 8979 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 8979 of 2026

1. Mitu Nayak S/o.Krushna Nayak,
No.1, Gandagaon,
Kainjhar, Kandhamal,
Odisha-762 019.
2. Sridhara Nayak S/o. Krushna Nayak,
Gandagaon, Tikabali,
Kandhamal, Odisha-762019.

..Petitioner(s)

Vs

The State represented by:

The Inspector of Police,
Walajapet Police Station,
Ranipettai District.
[Cr.No.285/2025]

..Respondent(s)

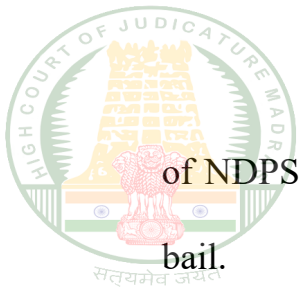
PRAYER: The Criminal Original Petition has been filed under Section 483 of B.N.S.S. praying to enlarge the petitioners on Bail in Crime No.285 of 2025 on the file of the Inspector of Police, Walajapet Police Station, Ranipet District.

For Petitioner(s): M/s.G. Ajith

For Respondent(s): Mr.S.Yogaraja Sekar,
Government Advocate (Criminal side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on 16.07.2025 for the alleged offences under Sections 8(c), 20(b)(ii)(C) and 29(1)



of NDPS Act in Cr. No.285 of 2025 on the file of the respondent police, seeks bail.

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2. The *case of the prosecution* is that the petitioners were found in illegal possession of 35 kgs of Ganja and hence the case.

3. The learned counsel for the petitioners would submit that though 35 kgs of Ganja was totally recovered, the 1st petitioner being A2 and the 2nd petitioner being A3, what was recovered from them is only 10 kgs of Ganja and therefore, it cannot be construed as a commercial quantity and hence prayed to enlarge the petitioners on bail.

4. The learned Government Advocate (Criminal side) appearing for the respondent police would submit that these petitioners were arriving from Odisha and there are sufficient evidence to show that all the accused, in consent, smuggled the contraband and therefore, the recovery has to be construed as a common one and therefore, he strongly objected the bail application.

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

6. The above said submission made by the learned Government



Advocate is liable to be accepted. While considering the same, there is a total recovery of 35 kgs of Ganja, which is a commercial quantity and hence rigors under Section 37 of NDPS Act, would attract. In order to overcome the same, there are no materials available. Though investigation has been completed and charge sheet has been filed and the case has also been taken on file, such ground does not come within the purview of rigors under Section 37 of NDPS Act and therefore, this Court is not inclined to enlarge the petitioners on bail.

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

05-06-2026

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, Walajapet Police Station, Ranipettai District.



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C.KUMARAPPAN, J.

MJS

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