



WEB COPY

CRL OP No. 8767 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 8767 of 2026

Bharathi @ Naikadi

..Petitioner(s)

Vs

State Rep. by
Inspector of Police
PEW - Redhills Police Station,
Chennai.

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on bail in
C.C. No.229 of 2026 on the file of the I Additional Special Court NDPS and EC
Act, Chennai.

For Petitioner(s):

Mr.A.Elumalai

For Respondent(s):

Mr.S.Yogaraja Sekar

Government Advocate (Criminal side)

ORDER

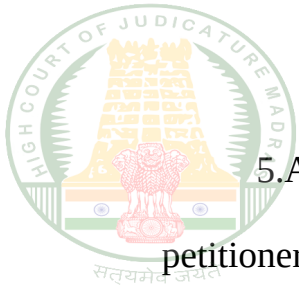
The petitioner, who was arrested and remanded to judicial custody on
02.09.2025 for the alleged offences under Sections 8 (c) r/w 20 (b) (ii) (C) and
29 (1) of NDPS Act, 1985, in Crime No.140 of 2025 on the file of the
respondent police, seeks bail.

2. The case of the prosecution is that petitioner along with other accused
was found in illegal possession of 21 kg of Ganja. Hence the case.



3.The learned counsel for the petitioner submitted that the petitioner is innocent and has been in custody since 02.09.2025. He further submitted that there are two accused persons in this case and the petitioner is arrayed as A2. He contended that although a total of 21 kg of Ganja was recovered, the contraband seized directly from the petitioner weighs only 10.50kg, which constitutes an intermediate quantity. However, the respondent Police clubbed this with the recovery from the second accused, thereby projecting it as a commercial quantity. It is also the contention of the petitioner's counsel that the grounds of arrest were not communicated to the petitioner. It is also submitted that charge sheet has already been filed and case has been taken on file as C.C.No.229 of 2025. Hence, he prays to grant bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police strongly opposed the contention of the petitioner's counsel submitting that both the accused transported the Ganja from Andhrapradesh, were apprehended simultaneously and the recovery was effected at the same time. He further submitted that because they jointly possessed the contraband, the individual possession of 10.50 kg of Ganja cannot be lightly taken, as the total recovery constitutes a commercial quantity.



5. As rightly submitted by the learned Government Advocate, this petitioner along with other accused travelled from Andhrapradesh from whom the respondent recovered 21 kg of Ganja. This is a huge quantity that falls within the definition of a commercial quantity; therefore, as rightly contended by the learned Government Advocate, the petitioner has not putforth any grounds to overcome the rigour of Section 37 of the NDPS Act. Hence, the Criminal Original Petition is dismissed.

04-06-2026

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To

1. The Inspector of Police
PEW - Redhills Police Station,
Chennai.

2. The Public Prosecutor
High Court of Madras.



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C.KUMARAPPAN, J.

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**04-06-2026
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