



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 10936 of 2026

Vigneshwaran

..Petitioner(s)

Vs

The Inspector of Police,
PEW - Redhills Police Station,
Tiruvallur District.
(Crime No.108 of 2025)

..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
CC.No.1231 of 2025 on the file of the II-Additional Special Court for Exclusive
Trial of cases Under NDPS Act, Chennai.

For Petitioner(s):

Mr.P.Muthukumarasamy

For Respondent(s):

Mr.S.Yogaraja Sekar

Government Advocate (Criminal side)

ORDER

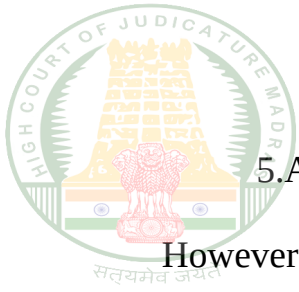
The petitioner, who was arrested and remanded to judicial custody on
03.07.2025 for the alleged offences under Sections 8 (c), 20 (b) (ii) (c) and 29
(1) of NDPS Act, 1985, in Crime No.108 of 2025 on the file of the respondent
police, seeks bail.

2. The case of the prosecution is that petitioner along with other accused
was found in illegal possession of 22 kgs of Ganja. Hence the case.



3.The learned counsel for the petitioner submitted that the petitioner is innocent and has been in custody since 03.07.2025. He further submitted that there are two accused in the present case. Although there was a total recovery of 22 kg of Ganja, the individual recovery from the petitioner was only 11kg, which constitutes an intermediate quantity. Therefore, considering the long incarceration of the petitioner since 03.07.2025, he prayed that the petitioner be enlarged on bail.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police contended that both accused were arrested at the same place and the recovery from them must be considered jointly, as they were mutually aware of the possession of the contraband and had transported the Ganja from the same location. Therefore, simply because they were in possession of 11kg of Ganja each that does not mitigate the gravity of the act; the petitioner cannot be allowed to take advantage of the intermediate quantity by taking into consideration of separate possession. Apart from that, the learned Government Advocate also contented that the petitioner has four previous cases, three of which are under the NDPS Act. It was also submitted that although the charge sheet has been filed, considering the petitioner's past antecedents, there is a strong likelihood of committing similar offences in the future. Hence, he opposed for grant of bail to the petitioner.



5. Admittedly there was a recovery of 11 kg of Ganja from this petitioner.

However, it is strongly contended by the learned Government Advocate that the petitioner has four previous cases, three of which are under the NDPS Act. Therefore, as rightly argued by the learned Government Advocate, the separate possession of 11kg of Ganja will not militate the offence since they were jointly in possession of 22 kg of Ganja. Consequently, the petitioner has failed to make out any grounds to overcome the rigour of Section 37 of the NDPS Act. Hence, the Criminal Original Petition is dismissed.

03-06-2026

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CRL OP No. 10936 of 2



C.KUMARAPPAN, J.

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To

1.The Inspector of Police,
PEW - Redhills Police Station,
Tiruvallur District.

2.The Public Prosecutor
High Court of Madras.

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