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CRL OP No. 12422 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 12422 of 2026

Sivagnanam

..Petitioner

Vs

Union rep by,
The Junior intelligence Officer,
NCB, Chennai Zonal unit,
Chennai.
R.R.No.49/2024.

..Respondent

Prayer: Criminal Original Petition filed under section 483 of BNSS, to enlarge the petitioner on bail pending trial Additional Special Judge for EC and NDPS Act cases, at Chennai.

For Petitioner:

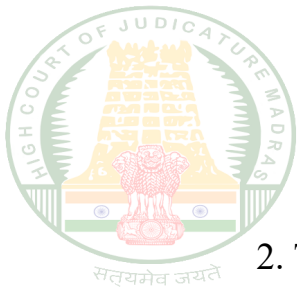
M/S. A.Tamilselvan

For Respondent:

Mr.S.Yogaraja Sekar,
Counsel for Government of Tamil Nadu
(Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.12.2024 for the alleged offence under Sections 8(c) read with 20 (b) (ii) (C), 23(c), 25, 27A, 29 and 30 of N.D.P.S Act, 1985 in connection with the R.R.No. 49 of 2024 on the file of the respondent police, seeks bail.



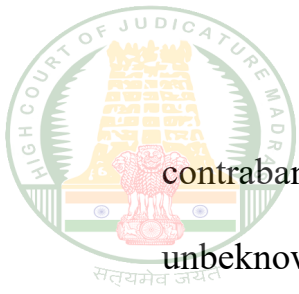
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2. The case of the prosecution is that the petitioner along with others were found in possession of 848 kgs of ganja. Hence, the case.

3. The learned counsel for the petitioner submitted that the total recovery was 848 kg of ganja. There are about four accused and this petitioner is arrayed as A1 and that there was no recovery from the petitioner and he has been falsely implicated in the present case and that he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the Petitioner.

4. Per contra, the learned Special Public Prosecutor appearing for the Respondent Police reiterated the prosecution case and submitted that this petitioner is the driver in the lorry in which 848 kgs of ganja was recovered which clearly demonstrates the complexity of the petitioner with the offence and any defence put forth by the learned counsel for the petitioner could only be adjudicated before the trial Court. Considering the huge quantity of 848 kg of ganja, the rigour under section 37 would attract. Hence, he opposed the grant of bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner would rely upon the judgment of the Hon'ble Supreme Court in the case of *Saw Herald Vs. State* reported in *2026 SCC Online Cal 4607* and submitted that even according to the prosecution when a person being a driver, the possession in respect of



contraband cannot be foisted against the driver who drove the vehicle unbeknownst the existence of such contraband. He also invited the attention of this Court to the reported judgment in the case of *Ankur Chaudhary Vs. State of Madhya Pradesh* reported in **2024 SCC Online SC 2730**.

6. I have given my anxious consideration to either side submissions and perused the materials available on record.

7. Considering the facts and circumstances of the case; taking note of the submission made by the counsels on either side, while looking at the reported judgment in the case of *Saw Herald Vs. State* in **2026 SCC Online Cal 4607** with forensic insight, the present case is distinguishable from the reported judgment. According to the reported judgment, the contraband was recovered from the passenger in the vehicle, whereas, in the case in hand, the contraband was recovered from the vehicle. Also, the learned counsel for the petitioner submitted yet another judgment of the Hon'ble Supreme Court in the case of *Ankur Chaudhary Vs. State of Madhya Pradesh* reported in **2024 SCC Online SC 2730** and contended that the prolonged incarceration without any progress in trial, will impinge upon the fundamental right under Article 21 of the Constitution of India.

8. At this juncture, the learned Special Public Prosecutor submitted that already LW1 summons has been issued and posted on 16.06.2026. Therefore, this Court is of the firm view that there is some progress in the trial and this petitioner has been remanded on 13.12.2024. Though the learned counsel for



the petitioner contend that while three members were travelled in the vehicle, the remaining two ran away and the conduct of the petitioner standing nearby the vehicle, when the respondent effected search would itself disclose the innocence of the petitioner. Though, the said arguments appears to be attractive, it is too premature to go into the aspect. The said aspect should be adjudicated during the trial. However, looking at the factual position, there was huge recovery of 848 kg of ganja from the vehicle drove by the petitioner. Therefore as rightly contended by the learned Special Public Prosecutor, this petitioner must also be construed for conscious possession of commercial quantity of contraband. Such contraband is not from the individual who travelled in the vehicle but in the vehicle itself. Therefore this Court could not find any merit.

9. As a result, this Criminal Original Petition is dismissed. However, this Court would like to direct the respondent police to make all necessary steps to produce witness without any further delay and the trial Court is also expected to dispose of the trial as expeditiously as possible.

12-06-2026

SHL

To:

1. The Junior intelligence Officer,
NCB, Chennai Zonal unit,
Chennai.

2. The Public Prosecutor



High Court of Madras

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C.KUMARAPPAN J.

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