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CrI.O.P.Nos.12145 & 13392 c



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2026

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THE HONOURABLE Mr. JUSTICE C.KUMARAPPAN

CrI.O.P.Nos.12145 & 13392 of 2026

CrI.O.P.No.12145 of 2026

Ranjumalick

... Petitioner(s)

Vs.

The State rep. by
T-1 Tambaram Prohibition Enforcement Wing,
Tambaram, Chennai.
Crime No.195 of 2025

... Respondent(s)

PRAYER : Criminal Original Petition filed under Section 483 of BNSS, 2023, to enlarge the petitioner on bail in Crime No.195 of 2025 pending investigation on the file of the respondent police.

For Petitioner(s) : Mr.A.Nirmal Kumar Sharma

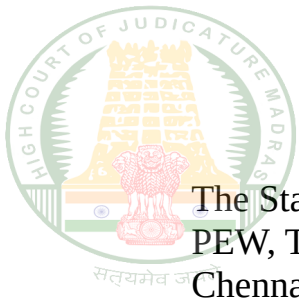
For Respondent(s) : Mr.S.Yogaraj Sekar,
Government Advocate (CrI.Side)

CrI.O.P.No.13392 of 2026

Tapan Kumar Nayak

... Petitioner(s)

Vs.



The State rep. by
PEW, Tambaram Unit Police Station,
Chennai.

... Respondent(s)

WEB.COM Crime No.195 of 2025

PRAYER : Criminal Original Petition filed under Section 483 of BNSS, 2023, to enlarge the petitioner on bail in CC.No.612 of 2026 on the file of the II Additional Special Judge for NDPS Act Cases, Chennai.

For Petitioner(s) : Mr.O.Chembulingam

For Respondent(s) : Mr.S.Yogaraj Sekar,
Government Advocate (Crl.Side)

COMMON ORDER

The petitioner in Crl.O.P.No.12145 of 2026, who was arrested and remanded to judicial custody on 25.11.2025 for the alleged offences under Sections 8(c) r/w Section 20(b)(ii)(C) of the NDPS Act, in Crime No.195 of 2025 on the file of the respondent police, seeks bail.

2. The petitioner in Crl.O.P.No.13392 of 2026, who was arrested and remanded to judicial custody on 25.11.2025 for the alleged offences under Sections 8(c) r/w Sections 20(b)(ii)(C) and 29(1) of the NDPS Act, in Crime No.195 of 2025 on the file of the respondent police, seeks bail.

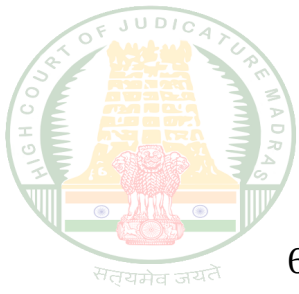


3. It is the case of the prosecution that the petitioners, along with the other accused, were found in possession of 22 kilograms of ganja. Hence, the case.

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4. The learned counsel appearing for the petitioners would submit that the petitioner in Crl.O.P.No.12145 of 2026 is the third accused and the petitioner in Crl.O.P.No.13392 of 2026 is the second accused. He would further submit that the second and third accused were found in possession of eight kilograms and two kilograms of ganja respectively and that these recoveries are independent recoveries. Therefore, the quantities allegedly recovered from all the accused cannot be clubbed together so as to attract the rigour applicable to commercial quantity. In support of his contention, he relied upon the order dated 10.04.2026 passed by this Court in Crl.O.P.No.6686 of 2026.

5. The learned counsel would further submit that, though the prosecution claims recovery of eight kilograms of ganja, the inventory of seized narcotic drugs and psychotropic substances in Form-IV refers only to four kilograms of ganja. According to him, the said discrepancy creates serious doubt regarding the alleged recovery. In support of the said contention, he relied upon the order dated 27.09.2023 passed by this Court in Crl.O.P.No.19997 of 2023 and submitted that the petitioners are entitled to bail and that the rigour under Section 37 of the NDPS Act stands overcome.



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6. Apart from the above, the learned counsel submitted that the petitioners are residents of Odisha. However, the grounds of arrest furnished to them were in a printed format in Tamil. Placing reliance upon the judgment of the Hon'ble Supreme Court in the case of **“Mihir Rajesh -vs- State of Maharashtra”**, reported in **2025 SCC OnLine SC 9939**, he submitted that the grounds of arrest were not furnished in a language known to the petitioners and therefore the mandate laid down by the Hon'ble Supreme Court has been violated. Hence, he prayed for grant of bail.

7. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of bail, reiterated the prosecution case and, on instructions, submitted that, though the grounds of arrest were in Tamil, the same were translated into Hindi and explained to the petitioners. He further submitted that the name and signature of the translator also find place in the grounds of arrest and that the petitioners had given declarations acknowledging such translation. Therefore, according to him, the requirement relating to communication of the grounds of arrest has been duly complied with, as the petitioners were made aware of the reasons for their arrest. He further submitted that the defence sought to be raised with reference to Form-IV cannot

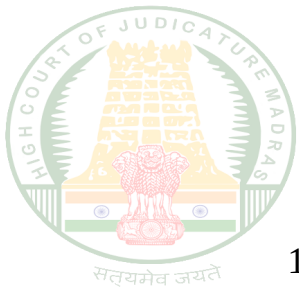


be gone into at this stage, as the same would require appreciation of evidence during trial.

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

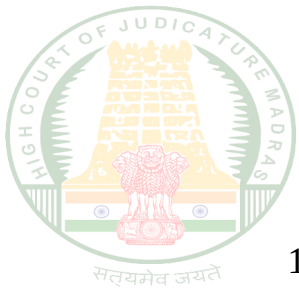
9. The first and foremost contention advanced by the learned counsel for the petitioners relates to the clubbing of the quantities allegedly recovered from the accused. In this regard, reliance was placed on the order dated 10.04.2026 passed by this Court in Crl.O.P.No.6686 of 2026. On a perusal of the said order, this Court finds that, in the facts of that case, there was no material to indicate any nexus between the accused persons. In the present case, however, it is the specific submission of the learned Government Advocate (Crl. Side) that all the accused are residents of Odisha, had travelled together and there are materials to establish a nexus among them. In such circumstances, this Court finds merit in the submission of the learned Government Advocate (Crl. Side) that the clubbing of the recoveries cannot be faulted. Accordingly, the contention regarding separate consideration of the recoveries is rejected.



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10. Coming to the contention relating to the grounds of arrest, this Court finds force in the submission made by the learned Government Advocate (Crl. Side). Though the grounds of arrest were originally in Tamil, the same were translated into Hindi and explained to the petitioners. The materials placed before this Court indicate that the petitioners were informed of the reasons for their arrest in a language known to them. Therefore, this Court is of the view that the ratio laid down by the Hon'ble Supreme Court in the case of **“Mihir Rajesh -vs- State of Maharashtra”**, reported in 2025 SCC OnLine SC 9939 has been duly complied with.

11. As regards the discrepancy sought to be pointed out with reference to Form-IV, this Court is of the view that it would be too premature to adjudicate upon the same at this stage, since such contention would require appreciation of evidence and examination of witnesses during trial. Therefore, taking into consideration the totality of the circumstances, the fact that the aggregate quantity recovered from the petitioners and the other accused falls within the commercial quantity, and further finding that none of the submissions advanced on behalf of the petitioners are sufficient to overcome the rigour under Section 37 of the NDPS Act, this Court is not inclined to grant bail.



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12. Accordingly, the Criminal Original Petitions are dismissed.

15.06.2026

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To

1. The learned Judicial Magistrate Pallavaram, Chennai
2. The learned II Additional Special Judge for NDPS Act Cases, Chennai
3. The Superintendent, Central Special Prison for Women, Puzhal, Chennai
4. The Superintendent, Central Prison, Puzhal
5. The Inspector of Police, T-1 Tambaram Prohibition Enforcement Wing, Tambaram, Chennai.
6. The Inspector of Police, PEW, Tambaram Unit Police Station, Chennai.
7. The Public Prosecutor, High Court of Madras



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C.KUMARAPPAN,J.

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