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Crl.O.P.No.12850 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2026

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THE HONOURABLE Mr. JUSTICE C.KUMARAPPAN

Crl.O.P.No.12850 of 2026

1. Thangapandi
2. Vinayagam

... Petitioners

Vs.

State represented by
The Inspector of Police
PEW, Gopichettipalayam Police Station,
Erode.
Cr.No.31 of 2026

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail pending investigation in Cr.No.31 of 2026 on the file of the respondent Police.

For Petitioners : Mr.S.Kasi Rajan
for Mr.O.Chembulingam

For Respondent : Mr.S.Yogaraja Sekar
Government Advocate (Crl.Side)

ORDER

The petitioners apprehend arrest for the alleged offences under Sections 8(c) r/w 20(b)(ii)(c), 25 & 29(1) of NDPS Act in Crime No.31 of 2026, on the file of the respondent police seek anticipatory bail.



2. The case of the prosecution is that, on 20.01.2026 at about 07.30 hours, upon receipt of credible information regarding the illegal sale of contraband, the respondent Police proceeded to Chithode–Perundurai Highway Road near Kilbhavani within the limits of Chithode Police Station. During a vehicle check, the accused persons, namely A1 to A5, who were found travelling in a vehicle bearing Registration No.TN 28 BL 3669 (Ashok Leyland), allegedly attempted to flee on noticing the police party. Upon interception and search, the respondent Police recovered 10 Kg of ganja from A1, 10 Kg from A2, 8.200 Kg from A3, 1.500 Kg from A4 and 1.500 Kg from A5. The contraband was seized under a seizure mahazar in the presence of witnesses, and thereafter, the accused were arrested and their confession statements were recorded. Hence, the case.

3. The learned counsel for the petitioners would submit that there are five accused in the case and that the present petitioners are arrayed as A4 and A5. He would further submit that the petitioners were employed as the driver and cleaner of the vehicle in question. According to the learned counsel, the contraband allegedly recovered from the each of the petitioners is only 1.500 kilograms of Ganja, which falls within the threshold limit of intermediate quantity. He would further contend that there are material discrepancies with regard to the date and time of arrest. The learned counsel would submit that,



since only 1.500 kilograms of Ganja was recovered from the each of the petitioners, the recovery allegedly made from the other accused to the tune of 29 kilograms, cannot be clubbed with the recovery effected from the petitioners, as the same constitutes a separate and distinct recovery effected at a different point of time. The learned counsel would also submit that variations in the timings mentioned in the FIR, the notice issued under Section 35(3) of BNSS, and the seizure of mahazer. Hence, prayed to grant bail to the petitioners.

4. The said contention was stoutly opposed by the learned Government Advocate (Crl.Side) and would submit that earlier bail petition filed by the petitioners was dismissed on 15.04.2026 and that there has been no change in circumstances warranting reconsideration of the present petition. The learned Government Advocate (Crl.Side) would further submit that the entire recovery was effected from the lorry in question. Therefore, notwithstanding the contention that only 1.500 kilograms of Ganja was recovered from each of the petitioners, the recovery was effected from the very same vehicle in which all the accused were travelling. Since the petitioners were employed as the driver and cleaner of the said lorry, it has to be presumed, at this stage, that the contraband was transported with their knowledge and consent. Hence, the quantity recovered from the other accused is also liable to be taken into



account along with the quantity recovered from the petitioners, as the entire contraband was recovered from the same vehicle in which all the accused were travelling together. Hence, he strongly opposed the grant of bail.

5. I have given my anxious consideration to either side submissions.

6. The first and foremost contention advanced by the learned Government Advocate (Crl.Side) is that there has been no change in circumstances warranting reconsideration of the present petition. In this regard, on perusal of the earlier order dated 15.04.2026 passed in Crl.O.P. No.7539 of 2026, this Court finds that the contentions raised by the petitioners with regard to the alleged improbabilities in the prosecution case, based on the FIR, seizure mahazar and summons, were elaborately considered and ultimately rejected.

7. As rightly contended by the learned Government Advocate (Crl.Side), the entire recovery was effected from the vehicle, more particularly from beneath the cleaner's seat, and admittedly all the accused were travelling in the said vehicle at the relevant point of time. Therefore, the entire quantity of 31.200 kilograms of Ganja recovered in the case has to be taken into account even against the accused. Though there were separate recoveries attributed to the individual accused, the fact remains that the total quantity recovered



constitutes a commercial quantity under the provisions of the NDPS Act.

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8. Further, as rightly contended by the learned Government Advocate (Crl.Side), the rigour contemplated under Section 37 of the NDPS Act is attracted to the facts of the present case, and no material has been placed before this Court to satisfy the twin conditions prescribed thereunder. Though the learned counsel for the petitioners placed reliance upon the order passed by this Court in Crl.O.P. No.3712 of 2026, dated 07.04.2026, this Court finds that the facts and circumstances as well as the defence projected therein are entirely different from those involved in the present case and, therefore, the said decision is clearly distinguishable on facts.

9. Therefore, this Court is of the considered view that the petitioners are not entitled to the relief of bail in view of the rigour contained under Section 37 of the NDPS Act. That apart, there has been no change in circumstances subsequent to the dismissal of the earlier bail petition so as to warrant a different view.



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10. Accordingly, this Criminal Original Petition stands dismissed.

08.06.2026

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To

- 1.The Judicial Magistrate-III, Erode.
2. The Inspector of Police
PEW, Gopichettipalayam Police Station,
Erode.
- 3.The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN.J.

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