



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 13128 of 2026

Rishi Kumar

..Petitioner(s)

Vs

State rep. by the Inspector of Police,
H-8, Thiruvottiyur Police Station,
Chennai District.Crime No. 736/2025.

..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 C.C.No. 1409 of 2025 in connection to the Crime No. 736 of 2025 pending on the file of the II Additional Special Judge under NDPS Act Cases at Chennai.

For Petitioner(s):

Mr.P.Muthamizhselvakumar

For Respondent(s):

Mr.S.Yogaraja Sekar

Government Advocate (Criminal side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.05.2025 for the alleged offences under Sections 8 (c) r/w 20 (b) (ii) (C) and 29 (1) of NDPS Act, in Crime No.736 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 16.05.2025 at about 8.30 a.m., when the respondent Police were on routine surveillance, they found the petitioner along with other accused in illegal possession of 25 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 16.05.2025. He further submitted that there are eight accused persons in this case and the petitioner is arrayed as A3. It is contended that except A1 to A3, the others have been enlarged on bail. Hence, he prayed for parity, further submitted that there was no recovery made from the petitioner. Hence, he prays to grant bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that all the accused persons were in possession of 25 kg of Ganja and that the petitioner travelled along with the other accused 2 and 3. He further submitted that the quantity of the procured contraband is 25 kg of Ganja which constitutes a commercial quantity and that there is sufficient material regarding their travel and nexus. He further stated that the petitioner has two previous cases of a similar nature in Cr.No.586 of 2023 at the Pullianthope Police Station and Cr.No.412 of 2024 at PEW, Vellore. He further submitted that there is material evidence to implicate A1 to A3 in the procurement of a commercial quantity from Odisha and its subsequent transportation. Hence, he opposed for grant of bail to the petitioner.

5.The submissions of the learned Government Advocate, clearly demonstrates that there is material evidence to prove the concerted conscious possession. Therefore, even the recovery from A1 is sufficient to constitute



conscious possession on the part of the petitioner. Consequently, as rightly contended by the learned Government Advocate the rigor under Section 37 are attracted and the petitioner has not putforth any grounds to overcome the rigour of Section 37 of the NDPS Act. Furthermore, the petitioner has two previous cases of a similar nature, this Court is of the firm view that the petitioner is not entitled to bail. Hence, the Criminal Original Petition is dismissed.

16-06-2026

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C.KUMARAPPAN, J.

EP

To

1.The Inspector of Police,
H-8, Thiruvottiyur Police Station,
Chennai District.

2.The Public Prosecutor
High Court of Madras.

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