



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 13647 of 2026

1. Khursed Miah
2. Jamir Hossain

..Petitioner(s)

Vs

State Rep.by,
The Inspector of Police,
PEW-Adyar Police Station,
Chennai - 34.
Cr.No.167 of 2025.

..Respondent(s)

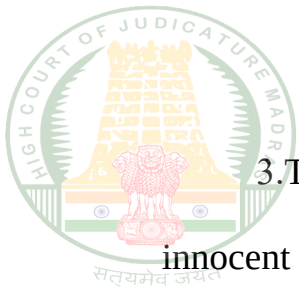
PRAYER : Criminal Original Petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to grant bail to the petitioner concerned in C.C.no. 1674 of 2025 on the file of the II Additional Special Court of NDPS, Chennai.

For Petitioner(s):	Mr.N.Senthil Kumar
For Respondent(s):	Mr.S.Yogaraja Sekar Government Advocate (Criminal side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on 30.08.2025 for the alleged offences under Sections 8 (c) r/w 20 (b) (ii) (C), 29 (1) of the NDPS Act, 1985, in Crime No.167 of 2025 on the file of the respondent police, seek bail.

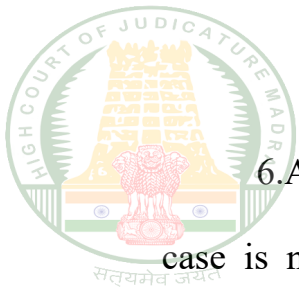
2. The case of the prosecution is that the petitioners were found in illegal possession of 23 kg of Ganja. Hence the case.



3. The learned counsel for the petitioners submitted that the petitioners are innocent and had been in custody since 30.08.2025. He further submitted that there are two accused persons in this case and the petitioners arrayed as A1 and A2. He stated that even according to the prosecution, 13 kg of Ganja was recovered from A1 and 10 kg from A2. Therefore, the recoveries are independent and that being the case, each constitutes only an intermediate quantity. Furthermore, A1 has been admitted to the Prison Hospital. Hence, he prays to grant bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police strongly opposed the petition on the ground that there are strong materials available against the petitioners to demonstrate their concerted, conscious possession. Therefore, merely because there were two separate recoveries, it will not entitle the petitioners to any benefit, since both together have trafficked the contraband. He further submitted that, since a commercial quantity is involved, the rigour under Section 37 of the NDPS Act would be attracted. He further stated that the petitioners are brothers.

5. At this juncture, the learned counsel for the petitioners submitted that the chargesheet has been filed and the same was taken on file in C.C.No.1674 of 2025 dated 27.11.2025.



6. At this juncture, the learned Government Advocate submitted that the case is now posed on 01.07.2026 and copies of the chargesheet have been served.

7. I have given my anxious consideration to the submissions made by the learned counsel on either side and perused the materials available on record.

8. The fact remains that there was a combined recovery of 23kg of Ganja which constitutes a commercial quantity. The prosecution relies upon several materials to implicate both the accused under Section 29 of the NDPS Act. Furthermore, this is a huge quantity that falls within the definition of a commercial quantity; therefore, as rightly contended by the learned Government Advocate, the petitioners have not put forth any grounds to overcome the rigour of Section 37 of the NDPS Act. Hence, this is not a fit case to enlarge the petitioners on bail. Accordingly, this Criminal Original petition is dismissed.

18-06-2026

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C.KUMARAPPAN, J.

EP

To

1.The Inspector of Police,
PEW-Adyar Police Station,
Chennai - 34.

2.The Public Prosecutor
High Court of Madras.

CRL OP No. 13647 of 2026

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