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Crl.O.P.No.19432 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-01-2026

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.19432 of 2025

Pushbendra Singh

... Petitioner / A3

Vs

State Rep. by,
The Inspector of Police,
R-3, Ashok Nagar Police Station,
Chennai.
(Crime No.449 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner/accused in C.C.No.396 of 2025 pending trial on the file of the Trial Court in connection with Crime No.449 of 2024 on the file of the respondent police.

For Petitioner(s) : Mr. R.C. Paul Kanagaraj
For Mr. S. Kasirajan

For Respondent(s) : Mr. A. Gopinath
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.12.2024 in C.C.No.396 of 2025 pending trial on the file of the Trial Court for the offences punishable under Section 8(c) r/w Sections 22(c) and 29(1) of Narcotic Drugs & Psychotropic Substances Act, 1985, seeks bail. The earlier bail application of the petitioner herein was dismissed by this Court, vide order dated 18.03.2025 in Crl.O.P.No.4233 of 2025 for the following reasons:

“5. This is the third bail application filed by the petitioner. Upon hearing the submissions of the learned counsel for the petitioner and the learned Government Advocate for the respondent and on a perusal of the counter affidavit filed by the respondent, it is seen that the petitioner and the other accused were arrested at the same time and were in possession of 59 grams of Methamphetamine. In such circumstances, rigors of Section 37 of NDPS Act would be applicable and the petitioner has not satisfied the twin conditions specified under Section 37 of the NDPS Act. Hence, this Court is not inclined to grant bail to the petitioner. Accordingly, the Criminal Original Petition stands dismissed.”

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

3. This Court, vide earlier order dated 18.03.2025 in



Crl.O.P.No.19432 of 2025

Crl.O.P.No.4233 of 2025 has held that rigors of Section 37 of NDPS Act would be applicable and the petitioner herein has not satisfied the twin conditions specified under Section 37 of the NDPS Act. Though, the learned counsel for the petitioner argued that, separate seizure mahazars have been prepared for each accused separately, on careful perusal of the prosecution case, it reveals that the petitioner along with other accused acted jointly, came together to the spot with a common object and intention of illegal trafficking and selling of contraband to the general public and also the fact that they were also aware of the possession of contraband with each other, hence segregation of possession of each person for the purpose of determining applicability of commercial quantity at this stage is not possible, hence I am of the view that Section 37 of the NDPS Act is applicable to the case of the petitioner herein. Hence, this Court is not inclined to grant bail to the petitioner herein.

4. Accordingly, this criminal original petition stands dismissed.

28.01.2026
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Crl.O.P.No.19432 of 2025

K. RAJASEKAR, J.

stn

To

1. The Inspector of Police,
R-3, Ashok Nagar Police Station,
Chennai.
(Crime No.449 of 2024)
2. The Public Prosecutor,
High Court of Madras.

CRL OP NO.19432 of 2025

28.01.2026

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