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Crl.O.P.No.19986 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **29.01.2026**

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP No.19986 of 2025

Vignesh

... Petitioner

Vs

State Rep by
Inspector of Police,
PEW Coimbatore city Police Station,
Coimbatore City,
(Crime No.77 of 2025) ... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime
No.77 of 2025 pending on the file of the respondent police.

For Petitioner(s) : Mr.M.N. Balakrishnan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on
06.04.2025, for the offences punishable under Sections 8(c) r/w 22(c), 29(1)
of NDPS Act, 1985 in Crime No.77 of 2025 registered on the file of the
respondent, seeks bail.



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2.The case of the prosecution is that on 05.04.2025 at about 15.00 hours when the respondent police were in rounds at Coimbatore Racecourse area, they received information about illegal transportation of Narcotic Substances. Based on that, the police team went to the scene of occurrence. On seeing the police, the accused persons were trying to escape from that place, immediately the police caught hold of them and conducted enquiry. During the enquiry, they came to know that the accused persons are Mithiraj/A1. Gopinath/A2, Vignesh/A3 and Ajith A4 who were found in possession of 195 grams of methamphetamine and also seized the same from them under cover of seizure Mahazar. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner was found in possession of only 15 grams of Methamphetamine which is not a commercial quantity. He further submitted that one of the co-accused A4 is released on bail and this petitioner is in judicial custody from 06.04.2025 and prays to grant bail on the ground of parity.

4. The learned Government Advocate (Criminal Side) appearing for the respondent while opposing the bail to the petitioner, reiterated the



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prosecution case and submitted while dismissing the bail petition of the co-accused/A4 this Court has categorically held that there is no possibility of separating the quantity seized from all the accused and it is a specific case of the prosecution that each of the accused were conscious about the possession of other accused and all of them have come to the place of occurrence for the purpose of delink the contraband. Hence, the total possession of contraband would be taken into account which is of commercial quantity and it could not be separated and prays to dismiss the petition.

5. I have gone through the connected records which reveals that A1 to A4 in this case came together and they knew about the possession of each other. In the counter filed by the respondent it was stated that A1 and A2 were in possession of 85 grams and 80 grams of Methamphetamine; A3 and A4 were in possession of 15 grams of Methamphetamine each and the same was recovered from them and they were arrested. The statement recorded from them reveals that each accused were conscious about the possession of other accused. That being the case, it is to be considered as conscious possession and there is no possibility of separating of contraband seized from the accused. I have gone through the bail order



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granted to A4 which reveals that no reference about the seizure from the other accused and only stated that 15 grams of Methamphetamine was seized from A4 and it is not a commercial quantity. I am of the view that the order has been obtained suppressing the facts of the case.

6. Considering the discussions made above and the fact that the quantity involved in this case is commercial in nature and even though it is stated that bail was granted to the co-accused, the said order is not apply to the petitioner. Hence, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this criminal original petition stands dismissed.

29.01.2026

smn



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To

1. The Inspector of Police,
PEW Coimbatore city Police Station,
Coimbatore City,

2. The Public Prosecutor,
High Court, Madras



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K. RAJASEKAR, J.

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