



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-01-2026

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP Nos. 20574 & 21849 of 2025

1. Raj Sethy
S/o.Jayadev Sethy, QR.No.C, 180,
Sector-52, Fertilizer Township,
Rourkela Post, Sundergarh District,
Odisha-769007.

Petitioner in
Crl.O.P.No.20574 of 2025

Prasanth Kumar
S/o. Durgesh Prasad, Shabazpur
Village, Jehanabad Dist. Bihar-804417.

Petitioner in CRL.OP. No.
21849 of 2025

Vs

1. The State Rep by, The Inspector of
Police,
PEW Guduvanchery Police Station,
Cr.No.57/2025.

Respondent in both
Crl.O.P.Nos.

COMMON PRAYER

To enlarge the petitioners on bail pending investigation in Cr.No.57/2025 on the file of respondent.

For Petitioner in B.Kumarasamy
Crl.O.P.No.20574 of
2025:

For Petitioner in A.Mohammed Iqbal
CRL.OP. No. 21849
of 2025 :



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CRL OP No. 20574 of 2025



For Respondent in Mr.A.Gopinath,
both Crl.O.Ps.: Government Advocate (Crl. Side)

COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 26.04.2025, for the alleged offence punishable under Sections 8(c), 20(b)(ii)(c), and 29(1) of the NDPS Act, in Crime No.57 of 2025 on the file of the respondent police, seeks bail.

2. The allegation against the petitioners/ A1 and A2, is that they were intercepted by the respondent police on prior information near the Kuduvancheri Railway Station compound wall while awaiting someone. After complying with mandatory provisions, search and seizure were conducted, and 21 kgs of ganja was recovered from them. Hence, the petitioners were arrested.

3. The learned counsel for the petitioners submitted that two separate mahazars were made for the recovery of ganja: 11 kgs from A1 and 10 kgs from A2, under two separate mahazars. Hence, the quantities cannot be clubbed together to consider it a commercial quantity. He further submitted that Section 37 of the NDPS Act is not applicable to the petitioners' case, relying on the seizure mahazar. Hence, he prayed for the grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) for the respondent



police reiterated the prosecution case and submitted that though arguments were advanced questioning the weighing procedure, it cannot be raised at this stage of the bail petition and it requires adducing evidence before the trial Court. The statement of the arrested accused revealed that A1 brought 21 kgs from Odisha, handed it over to A2, and they were discussing selling it to another person near the Kuduvanchery Railway Station compound wall when intercepted. Hence, the contraband seized from each person cannot be considered a separate seizure, and both were aware of the ganja possession. Hence, he opposed the grant of bail to the petitioners.

5. I have gone through the mahazars and other materials, revealing that though 11 kgs of ganja was recovered from A1 and 10 kgs from A2, the place of interception and circumstances indicate both petitioners were aware they were carrying 21 kgs of ganja, a commercial quantity. The place they were waiting is not public but secluded, and they were waiting to sell it to a third person. Hence, Section 37 of the NDPS Act applies to both petitioners. The grounds raised regarding the weighing procedure require evidence and can be considered during trial. Hence, this Court is not inclined to grant bail to the petitioners. Accordingly, these Criminal Original Petitions are dismissed.

07-01-2026

Mpa
Index: Yes/No
Speaking/Non-speaking order
Internet: Yes



CRL OP No. 20574 of 2025



To

1.The State Rep by, The Inspector of
Police,
PEW Guduvanchery Police Station,
Cr.No.57/2025.

2.The Public Prosecutor,
High Court, Madras.



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CRL OP No. 20574 of 2025



K.RAJASEKAR J.
mpa

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