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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL.O.P.No.28601 of 2026

CNR: {HCMA012360362026}

Suman

..Petitioner

Vs

State Represented By, The Inspector of Police,
PEW Tambaram Unit.

..Respondent

PRAYER: To enlarge the petitioner on bail in Crime No.166/2026 dated 04.08.2026 on the file of Respondent Police in the interests of justice.

For Petitioner : Mr.K.Sakthivel

For Respondent : Mr.M.M.I.Khaleel,
Government Advocate.

ORDER

The Petitioner, who has been arrayed as Accused No.2, seeks bail in connection with the case registered against him for the alleged offences punishable under **Sections 8(c) read with 22(b)(ii)(C), 25 and 29(1) of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985**. The Petitioner has been in judicial custody since 05.08.2026.

2. According to the case of the Prosecution, the initial seizure involved a quantity of 6 kgs of ganja. However, as set out in the recovery mahazar

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Order QR

prepared approximately 12 hours later, a massive commercial quantity of 100.640 kgs of ganja was allegedly recovered exclusively from the conscious possession of the Petitioner (A2) alone. Hence, the case.

3. Per contra, the learned Counsel for the Petitioner submits that there are material contradictions in the case of the prosecution. A perusal of the First Information Report (FIR) indicates that only an initial quantity of 1.6 kgs of ganja was recorded. The subsequent recovery mahazar and the alleged recovery of 100.640 kgs are highly doubtful and shrouded in suspicion. It is further submitted that, as per the FIR, the primary allegations point toward Accused No. 1 (A1), who allegedly dispatched the contraband proposals from Odisha. The Petitioner was subsequently implicated solely on the basis of a confession statement, leading to his arrest on 04.08.2026. The learned Counsel contends that the strict statutory mandates of recovery and seizure were not dynamically followed when the proposals were seized from the possession of the accused.

4. The learned Government Advocate (Criminal Side) appearing for the Respondent State forcefully submits that a huge commercial quantity of contraband was recovered directly from the Petitioner. He contends that the investigation is at a crucial stage and, considering the bar under Section 37 of the NDPS Act, the Criminal Original Petition is liable to be dismissed.

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Order QR

5. Heard the learned Counsel appearing for the Petitioner and the learned Government Advocate (Criminal Side) appearing for the Respondent. This Court has carefully considered the rival submissions and perused the entire materials available on record.

6. In the view of this Court, the recovery of a massive commercial quantity of 100.640 kgs of ganja directly invokes the strict statutory bar under Section 37 of the NDPS Act. The material contradictions raised by the Petitioner regarding the variance in the quantity between the initial FIR and the subsequent seizure mahazar are matters to be established during the course of a full-fledged trial, and cannot be micro-analyzed at this stage of considering bail. Given the gravity of the offence, the commercial volume of the contraband seized from the conscious possession of Accused No.2, and the stage of the investigation, this Court is not inclined to grant regular bail to the Petitioner.

7. In the result, this Criminal Original Petition stands dismissed.

28.10.2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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N.RAMESH, J.

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To

1. The Inspector of Police,
PEW Tambaram Unit.

2. The Public Prosecutor, High Court of Madras.

CRL.O.P.No.28601 of 2026

28.10.2026

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