



WEB COPY

CRL OP No. 33933 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 33933 of 2025

S.Delip

..Petitioner

Vs

The State, Represented by
The Inspector of Police,
Town Police Station, Karaikal,
Puducherry. (SPL SC.No.27 of 2025)

..Respondent

PRAYER : Criminal Original Petition filed under Section 483 of BNSS, 2023 to enlarge the petitioner on bail in SPL SC.No.27 of 2025 on the file of the learned District and Sessions Judge at Karaikal.

For Petitioner:

Mr.V.Vadivalagia Nambi

For Respondent:

Mr.M.V.Ramachandra Murthy
Additional Public Prosecutor (Puducherry)
assisted by Mr.M.Thamizhmani

ORDER

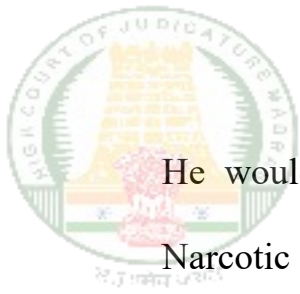
The petitioner was arrested and remanded to judicial custody on 16.07.2025 for the alleged offences under Sections 20(b)(ii)C, 24 of NDPS Act, 1985, Section 14A of Foreigners Act, 1946 and Section 3(3) of the Passport (Entry to India) Act, 1920, in Crime No.200 of 2025 on the file of the respondent police, seek bail.



2. The case of the prosecution is that on 15.07.2025, the Inspector of Police, Town Police Station, Karaikal, on receipt of secret information, intercepted a white Hyundai car bearing Registration No. TN-50-BX-0006 near VOC Salai, Karaikal. On search of the car, about 26 kilograms of Ganja was recovered from the car boot; hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is in no way connected with the said offence and all the facts and allegations in the FIR are false and concocted. He would submit that on 14.07.2025, the petitioner was illegally apprehended and kept in custody, but the arrest was shown only on 16.07.2025. He would further submit that the petitioner was kept in illegal custody for more than 24 hours without being produced before the learned Magistrate, which is against Article 22(2) of the Constitution of India and Section 58 of the Bharatiya Nagarik Suraksha Sanhita. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the objection regarding illegal custody has already been dealt with by the previous Bench in Crl.O.P.No.29384 of 2025 and there is no change in circumstances. He would further submit that 26 kilograms recovered from the petitioner comes under commercial quantity and totally there are about 12 accused in this case and the total recovery is 306 kilograms.



He would also submit that in view of the rigour under Section 37 of the Narcotic Drugs and Psychotropic Substance Act, 1985, the petitioner is not entitled to bail.

5. I have given anxious consideration to the submissions made by the learned counsel on either side.

6. This Court is of the view that the recovery is commercial quantity and the rigour under Section 37 of the Narcotic Drugs and Psychotropic Substance Act, 1985 is applicable. The issue regarding illegal custody was already considered earlier in Crl.O.P.No.29384 of 2025 and there is no change in circumstances. Therefore, this Court is not inclined to enlarge the petitioner on bail.

7. Accordingly, the Criminal Original Petition is dismissed.

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C.KUMARAPPAN, J.

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