



WEB COPY

CRL OP No. 35339 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-02-2026

CORAM

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CRL OP No. 35339 of 2025

Murugesan

S/o. Muniyandi,

..Petitioner/A2

Vs

The Inspector Of Police

PEW Adyar Chennai

(Crime No. 96/2025)

..Respondent(s)

Prayer: Criminal Original Petition filed under Section 483 of BNSS, 2023 praying to enlarge the petitioner on bail pending trial in CC.No.719 of 2025 pending on the file of Honourable I Additional Special Judge Under NDPS and EC, Act Cases at Chennai.

For Petitioner(s):

A.Nirmal Kumar Sharma

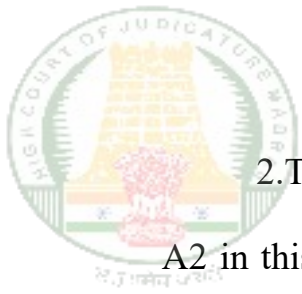
For Respondent(s):

Mr.A.Gopinath

Government Advocate (Criminal Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 08.05.2025 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C) and 29(1) of the NDPS Act, on the file of respondent police seeks bail.



2. The allegation against the petitioner is that the petitioner is ranked as A2 in this case, and A1 to A4 went to Andhra Pradesh and Orissa to purchase Ganja, and the same was distributed in Tamil Nadu. Prior to 05.02.2025, this petitioner is accused of conspiring with A1, A3 and A4 and went to Anagapalli (AP) and Odisha to purchase the Ganja from unknown persons and purchased 25 kg of Ganja and they brought it through train and reached Puducherry on 08.05.2025 and planned to split it; A3 and A4 are possessed of 8kg, A2 4kg, and A1 13kg separately and they went to Thiruvannamur bus stand and they allegedly brought the contraband to Puducherry. However, prior to 08.05.2025, A2 and A4 decided to leave for Thada, (AP) for the purpose of meeting their relative and accordingly, they returned back to Thada (AP). However, they handed over 21 kgs of Ganja to A1 in this case and 4kg was retained by A2. Based on the information received by the respondent police, they intercepted A1 at Thiruvannamur bus stand and recovered 21 kgs of Ganja from the petitioner herein, after complying with the various mandatory provisions and the statement was also recorded from him. The confession statement revealed as to where the contraband was purchased; how it was transported; how it was reached on his hand and how it was reached to Thiruvannamur. Based on the statement recorded from him, A2 was arrested on the next day with 4 kgs of Ganja and on the same day, A3 and A4 were separately arrested and remanded to judicial custody.



3.The learned Counsel for the petitioner submitted that only 4kgs of Ganja was recovered from the petitioner herein and there is no link to contraband seized from A1. Though it is stated that there are certain call details, tower locations were traced out by the respondent police, and no witnesses were added in the final report to speak about the above facts. Hence, there is no link to establish the facts by the respondent police between the petitioner and the contraband seized from A1. He further submitted that only based on the confession, the petitioner has been arrested and only 4 kgs were alleged to have been recovered. Hence, it is only considered as an intermediate quantity under Section 37 of the NDPS Act, which is not applicable to the facts of the present case. Hence, he prayed to grant bail to the petitioner.

4.Mr.A.Gopinath, learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and submitted that there are subscriber call details of both A1 and A4 and both of them have been produced before the trial Court along with a final report. He further submitted that the tower locations, subscriber call details and WhatsApp chats were also produced before the trial Court. A1 and A4 travelled together while transporting 24 kgs of Ganja from Orissa to Anagapalli and reached to Thada (AP), and thereafter, A1 brought ganja to Chennai for further transportation to Puducherry. Hence, there are materials produced to link the



petitioner herein with the contraband and there are witnesses listed to speak about the call details, and points raised herein has to be decided at the time of trial. Hence, the materials available are sufficient to establish *prima facie* case against the petitioner and burden is on the petitioner to prove the fact that the petitioner is not guilty of the offence under Section 37 of the NDPS Act. Hence, he opposed to grant bail to the petitioner.

5.I have also gone through the FIR and other connected materials and records. Admittedly, there are subscriber call details and tower locations of the petitioner, along with A1 and A4, have been produced before the trial Court as a document. It is contended by the learned Counsel for the petitioner that these documents shall be submitted to the petitioner prior to framing of charges. Further, there is no witness listed to speak about the above documents. This Court is of the considered view that there are documents alleged to have been placed on record, including the call details and present tower locations to show that the petitioner herein is linked along with A1 while he was in possession of 25 kgs banned contraband.



6.It is settled law that to satisfy the grounds under Section 37 of the NDPS Act, raising suspicion is not sufficient and there has to be strong materials to show that the petitioner herein is guilty of the offence. Further, the arguments made by the petitioner is not satisfied with the first limb of the twin conditions under Section 37 of the NDPS Act. Hence, this Court is not inclined to allow the above petition.

7.Accordingly, this Criminal Original Petition shall stand dismissed.

09-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MSM

To

1.The Inspector Of Police

PEW Adyar Chennai

(Crime No. 96/2025)

2.The Public Prosecutor, High Court, Madras.



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K.RAJASEKAR, J.

MSM

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