



WEB COPY

Crl.OP No. 35908 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 05.01.2026**

CORAM

**THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

CRL OP No. 35908 of 2025

Suresh

Petitioner(s)

Versus

State Represented by  
The Inspector of Police,  
PEW Poonamallee Police Station  
Avadi, Chennai,  
Crime No. 176 of 2025.

Respondent(s)

**PRAYER :**To enlarge the petitioner on bail with Crime No. 176 / 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.C.S. Saravanan  
For Respondent : Mr.A.Gopinath  
Government Advocate (Crl. Side)

**ORDER**

The petitioner, who was arrested and remanded to judicial custody on 15.11.2025 for the alleged offence punishable under Sections 8(c), r/w 20(b)(ii) (B) and 29(1) of NDPS Act, in Crime No.176 of 2025 on the file of the respondent police, seeks bail.



2.The allegation against the petitioner is that the petitioner joined hands with other accused involved in purchasing and possessing 23 kilo grams of Ganja. It is further stated, on prior intimation that on 15.11.2025 at about 12.15 hours, when Tmt.Nattalammai, Sub Inspector of Police was in station duty. She got a secret information about illegal sale of Ganja. Thereafter, the respondent police along with his police team HC.12641, Tr.Ponnudurai and HC.13280, Tr.Selva Isakki went to Thiruverkadu, Koladi near vacant land. At that time, the said police team found the accused persons in suspicious manner. On conducting search, the accused persons, namely, Suresh-A1, and Deena Dayalan-A2 were found in possession of 23 kilograms of Ganja. Thereafter, the respondent police have arrested the two accused persons and recorded their confession statements from them and also have seized the contraband along with materials under the cover of the seizer mahazar. Hence the complaint.

3.The learned Counsel for the petitioner submits that two separate mahazars were recorded from both the accused and from this petitioner only 12 kilograms were recovered and also he was not aware of the possession of Ganja by other persons. Hence, Section 37 of the NDPS Act, is not applicable to the present case.



4.Mr.A.Gopinath, the learned Government Advocate (Crl. Side) appearing for the respondent police, reiterated the prosecution case and submits that on investigation revealed that both accused went to Odisha and purchased the Ganja, came through the train and alighted at Perambur Railway Station, and thereafter, transported the same in an auto. While they were awaiting for further trafficking at Thiruverkadu, near a vacant land at Koladi, they were intercepted by the respondent police, and both of them carried separate bags and recovery was effected. He further submits that both the accused aware of the possession of ganja by each other. Hence, he opposed to grant bail to the petitioner.

5.I have considered the submissions made on both sides and perused the records, which reveal that this petitioner was waiting in a vacant land near Koladi at Thiruverkadu, with bags containing ganja. The first petitioner was carrying 12 kilograms and the second accused was carrying 11 kgs. These facts reveal that both the accused went to the place of occurrence with a total quantity of 23 kilograms, it is *prima facie* established that they were aware the possession of ganja by each other. Though two separate bags were recovered, it is *prima facie* established that both the accused knew about the carrying of ganja by each other. Considering this position, the contention of the petitioner that Section 37 of the NDPS Act, is not applicable, is not proper. Further, the



facts need to be investigated by the respondent police. Hence, I am of the view that Section 37 of the NDPS Act, is applicable to the facts of the present case and this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

**05.01.2026**

Index: Yes/No  
Internet: Yes/No  
Speaking/Non-Speaking order  
MSM

To  
1.

State Represented by  
The Inspector of Police,  
PEW Poonamallee Police Station  
Avadi, Chennai,  
Crime No. 176 of 2025.

2. The Public Prosecutor, High Court, Madras.



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**K.RAJASEKAR, J.**

MSM

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