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CRL OP No. 35935 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-02-2026

CORAM

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CRL OP No. 35935 of 2025

Mari

..Petitioner(s)

Vs

The State Rep By Its,

The Inspector of Police,

H-6, R.K. Nagar Police Station, Chennai - 600 021

Cr.No.335 of 2025

..Respondent(s)

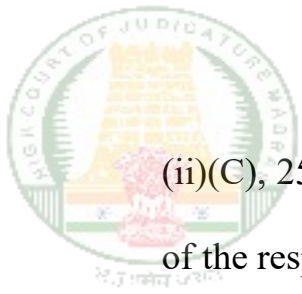
Prayer: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail in Cr.No.335 of 2025 C.C.No.600 of 2025 on the file of the H-6 R.K Nagar police Station.

For Petitioner(s): Mr.K. Shahul Hameeth

For Respondent(s): Mr. A. Gopinath
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.05.2026 for the offences punishable under Sections 8(c), 20(b)(ii)(B), 25 NDPS Act, after the Charge Sheet filed the Section was altered in 8(c) r/w 20(b)



(ii)(C), 25, 29(1) of NDPS Act, in Crime No.335 of 2025, registered on the file of the respondent police, seeks bail.

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2.The allegation against the petitioner is that the petitioner is ranked as A6 and on prior information received by the Sub-Inspector of Police attached with H-6 police station, after obtaining authorization, she intercepted the Auto bearing Registration No.TN 12 D 6243 driven by the petitioner/A6/Mari. After seeing the police party, A6 attempted to run away from there, however, the petitioner was intercepted and after complying various mandatory provisions, 1.640 kgs of ganja was recovered from the petitioner. Hence, the petitioner was arrested and subsequently remanded to judicial custody. Based on the confession recorded from A6, the police party searched the premises belong to A5, where A1 & A4 were also present and from the premises, 21 kgs of ganja was recovered. It was further revealed that A1 to A5 went to Andhra Pradesh and purchased ganja and brought it and stored it in the premises belong to A5 and all were arrested and remanded to judicial custody.

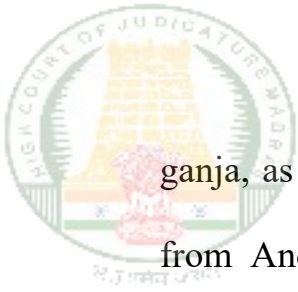
3.The learned counsel for the petitioner/A6 submitted that the petitioner was arrested for the possession of 1.640 kgs of ganja and he was not aware about the quantity of ganja in possession of other accused. In this case, investigation concluded and final report filed, wherein it is stated that the petitioner has purchased 1.640 kgs of ganja from A1 & A4. Subsequent to the



seizure of 21 kgs made which is a commercial quantity, there is no material produced to show that the petitioner has link with the above contraband and either he involved in transportation or possession of the above contraband. Hence, Section 37 of the NDPS Act is not applicable to the case of the petitioner herein. He further submitted that the petitioner is not having any previous case and he is judicial custody from 10.05.2025. Hence, he prayed for the grant of bail to the petitioner.

4.The learned Government Advocate (Crl.Side) for the respondent police by relying on the statement recorded from A1 and the petitioner herein submitted that the petitioner was aware about the fact that A1 and his family members were in possession of ganja and from them he purchased 2 kgs of ganja and after selling some portions, 1.640 ganja was recovered and he was aware that A1 and his family members were in possession of 25 kgs of ganja. Hence, he opposed for the grant of bail to the petitioner.

5.I have gone through the statements recorded from the A1, A4 and other accused and also connected materials including FIR. It reveals that the petitioner/A6 was intercepted by the police team and from him 1.640 kgs of ganja was recovered (intermediate quantity) and the petitioner herein has narrated that he was aware that A1 to A5 involved in storing and selling the



ganja, as far as this transaction of purchasing and transporting 25 kgs of ganja from Andhra Pradesh is concerned, the petitioner was not aware about the above facts, he only stated that some huge quantity of ganja was possessed by the accused and he went there purchased 2 kgs of ganja. Similarly, on a careful perusal of the statement recorded from other accused also reveals that A1 to A5 went to Andhra Pradesh and brought ganja on their own and they sold 2 kgs to the petitioner herein and there is no other link between the petitioner and remaining quantity of ganja i.e., 21 kgs recovered from other accused. Though it is alleged that the petitioner was also involved in commercial quantity, this Court is not inclined to accept the said contention since even if the statements recorded from the co-accused or the petitioner is relied on, those statement have not implicated the petitioner with the alleged seizure of 21 kgs. In view of same, this Court is of the view that Section 37 of the NDPS Act could not be placed against the petitioner herein and the recoveries made from the petitioner is only 1.640 kgs of ganja, this Court is of the view that Section 37 of NDPS Act is not applicable. Hence this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, for a like sum to the satisfaction of the *learned I*



Additional EC and NDPS Court, Chennai and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall appear before the trial Court, on all working days at 10.30 a.m., for a period of two weeks and thereafter, on the dates fixed by the learned Trial Judge;

[c] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]**;

[d] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

16-02-2026

GBI



Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1.The State Rep By Its,
The Inspector of Police,
H-6R.K. Nagar Police Station, Chennai -
600 021

Cr.No.335 of 2025

2.The I Additional EC and NDPS Court,
Chennai.

3.Puzhal Prison-II.

4.The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J.

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