



WEB COPY

CRL OP No. 35777 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-01-2026

CORAM

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CRL OP No. 35777 of 2025

Kunal Singh
S/o.Subhod Singh,
Ro-Bahar Madar Post,
Am Kunmwari PS Parsa,
Tahsin Parasa,
Bihar.

..Petitioner(s)

Vs

The Inspector of Police,
PEW Tambaram Unit,
Chennai District.
Crime No.35 of 2025

..Respondent(s)

Prayer: This petition is filed under section 483 of BNSS to enlarge the Petitioner on bail pending Trial in C.C.No.666 of 2025 on the file of II-Additional Special Court of NDPS, Chennai, respondent Police and thus render justice.



For Petitioner(s): A. Tamil Selvan
B.Sasi Kala

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 18.03.2025, for the offence under Sections 8(c),20(b)(ii)(c) and 29(1) of NDPS Act, 1985 in Crime No.35 of 2025, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution is that based on the information the respondent went to the place of occurrence and found that the petitioner joined hands with other accused and involved in illegal transportation of 71.500 kgs of ganja. It is alleged that A1 and A2 was in possession of 10 kgs of ganja and A2,A3 and A4 were in possession of each 20.500 kgs of ganja. Hence, the respondent police registered a case against the petitioners.



3. The learned counsel for the petitioners submitted that separate search and seizure was effected and only 10 kgs of ganja was recovered from this petitioner, which is not a commercial quantity. He further submitted that the petitioner is in judicial custody from 18.03.2025 and he is ready to co-operate with the investigation and prays to grant bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondent while opposing the bail to the petitioner, reiterated the prosecution case and submitted that the total quantity involved in this case is 71 kgs. He further submitted that each of the accused were carrying the contraband separately, hence separate search and seizure was done. He further submitted that all the mandatory provisions were duly followed. All the petitioners were aware about the contraband in possession of each accused and the contention of the petitioner is that he was in possession of only 10 kgs of ganja and his case shall be considered that he was in possession of intermediate quantity is not valid. The Section 37 of the NDPS is applicable to petitioners as each of the accused were conscious about the possession of other accused and all of them have come to the place of occurrence for the purpose of sale the contraband. Hence, the total possession of contraband would be taken into account which is of commercial quantity and it could not be separated and prays to dismiss the petition.



5. I have gone through the relevant records and it is seen that A1 and A2 were in possession of each 10 kgs of ganja and A3 and A4 were in possession of each 20.500 kgs of ganja and they have come to the play ground on the back side of the Sriperumbudur bus stand for the purpose of handing over the same to some other person and they have caught red handed. There is no explanation offered by the accused person as why they have assembled on the back side of the Sriperumbudur bus stand. Since investigation also reveals that each person was aware of the possession of contraband by other accused and it is not a case that they are not aware about the possession of other accused. Further Section 54 and 35 of the NDPS Act is also applicable.

6. Considering the submissions made by both sides and the facts of the case and so far there is no explanation offered by the accused regarding as to why they have assembled on the back side of the Sriperumbudur bus stand and the petitioner has not satisfied the twin conditions under Section 37 of the NDPS Act, this Court is not inclined to grant bail to the petitioner. Accordingly this Criminal Original petition is dismissed.

30-01-2026

Index: Yes/No

Speaking/Non-speaking order



Neutral Citation: Yes/No

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To

1. The Inspector of Police,
PEW Tambaram Unit,
Chennai District.

2. The Public Prosecutor,

High Court, Madras



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K.RAJASEKAR, J.

SMN

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