



Crl.O.P(MD).No.19634 of 20246

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 09.03.2026

CORAM

THE HON'BLE MR.JUSTICE K.K.RAMAKRISHNAN

CRL OP(MD)No.19634 of 2024

R.Murugesan

**... Petitioner/
Sole Accused**

- Vs-

**The State Represented by
The Inspector of Police,
Cumbum South Police Station,
Theni District.
(Crime No.209 of 2024)**

**... Respondent/
Complainant**

For Petitioner : Mr.C.Iyyapparaj

**For Respondent : Mr.B.Nambi Selvan
Additional Government Pleader**

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.209 of 2024 on the file of the respondent police.



Crl.O.P(MD).No.19634 of 20246

ORDER : The Court makes the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 21.09.2024 for the offences punishable under Sections 8 (c), 20(b) (ii) (C), 29 (1) and 25 of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.209 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that based on a secret information on 21.09.2024 at about 05.00 a.m., the Sub Inspector of Police recorded the same in the General Diary and informed the Inspector of Police through a written communication. After obtaining permission, the police party went to the scene of crime on 21.09.2024 at about 05.30 hrs. The Car was intercepted and the petitioner was driving the Car. He was informed about the right under Section 50 of NDPS Act, since he waived the right, the Car was searched and in the Car boot 22 kgs of Ganja was seized. After the arrest of the petitioner, he confessed that he is involved in the business of buying and selling Goats in Andra Pradesh. At that point of time, he came in contact with a person from whom he purchased ganja. The petitioner was arrested and remanded to judicial custody on 21.09.2024.



Crl.O.P(MD).No.19634 of 20246

WEB COPY

3. The petitioner was found in possession of 22 kgs of ganja on the date of occurrence, and the same was recovered by the searching officer by following due procedure. The petitioner has been in custody since 21.09.2024 and subsequently, filed a petition before this Court. Considering the petitioner's health condition, this Court granted interim bail, and posted the case today i.e., (09.03.2026).

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner has not satisfied the requirements under Section 37 of the NDPS Act. He further submitted that the quantity involved 22 kgs of ganja falls within the category of commercial quantity, and that the petitioner is also involved in two previous cases. Hence, he strongly opposed the grant of bail to the petitioner.

5. The learned counsel appearing for the petitioner submitted that as per the prosecution the weightage of contraband is 22 Kgs, which includes seeds and leaves. According to the petitioner, if the seeds and leaves are



Crl.O.P(MD).No.19634 of 20246

excluded, the case would not fall within the category of commercial quantity.

6. This Court perused the rival submissions made by the learned counsel on either side and perused the records.

7. Admittedly, 22 kgs of ganja was allegedly recovered from the petitioner on 21.09.2024, and he is involved in two previous cases of a similar nature. In view of the above facts, this Court is not inclined to grant bail to the petitioner. As regards the contention of the learned counsel for the petitioner that, if the flowering tops (buds) of the cannabis plant are excluded, the quantity would fall below the threshold of commercial quantity, this Court is of the view that such a determination is a matter for trial. Even assuming that the seized quantity falls below the commercial category, in light of the petitioner's involvement in two previous cases, this Court is not inclined to grant bail to the petitioner.



Crl.O.P(MD).No.19634 of 20246

WEB COPY

8. Accordingly, this Criminal Original Petition stands dismissed.

(K K R K J)

09.03.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
ebsi

To

1. The Inspector of Police,
Cumbum South Police Station,
Theni District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
3. The Judicial Magistrate,
Uthamapalayam.



WEB COPY



Crl.O.P(MD).No.19634 of 20246

K.K.RAMAKRISHNAN, J.

ebsi

Order made in
Crl.O.P(MD)No.19634 of 2024

09.03.2026