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CRL OP No. 4951 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 4951 of 2026

Gopi

..Petitioner

Vs

The State Rep. by
The Inspector of Police,
S-4, Nandambakkam Police Station,
Chennai.
(Crime No.160/2024)

..Respondent

Prayer: Criminal Original Petition filed under section 483 of BNS Act to enlarge the petitioner on bail in CC.No.170 of 2025 on the file of the 1st additional Special Judge, Special Court for EC and NDPS act cases, Chennai in Crime No.160 of 2024 on the file of the respondent police.

For Petitioner:

Mr.K.Anandha Raja

For Respondent:

Mr.S.Vinoth Kumar
Govt Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.12.2024 for the alleged offence under Sections 8(c), 22(c), 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No. 160 of 2024 on the file of the respondent police, seeks bail.



2. The case of the prosecution is that the petitioner is arrayed A2 in this case. The other accused/A1 was found in possession of 52 grams of methamphetamine and the petitioner as A2 was found in possession of a small digital weighing machine, twenty small airtight plastic covers, one glass contained used for smoking methamphetamine and one mobile phone. Hence, this case.

3. The learned counsel for the petitioner submitted that the petitioner is arrayed as A2 and according to the prosecution, the main accused is Sulaiman Mohamed, from whom, 52 grams of Methamphetamine was seized and the only overtact against this petitioner is found in possession of a glass bottle used for smoking Methamphetamine. At this juncture, the learned counsel for the petitioner submitted that the A1 has already been enlarged on bail by the Hon'ble Supreme Court in Crl. Appeal No.790 of 2026 dated 09.02.2026. Hence, he prays for grant of bail to the Petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the Respondent Police reiterated the prosecution case and fairly conceded the fact that A1 has already been enlarged on bail by the Hon'ble Supreme Court.



5. I have given my anxious consideration to either side submissions and perused the materials available on record.

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6. The relevant portion of the order of the Hon'ble Supreme Court in Crl.Appeal No.790 of 2026 is extracted as under:

“5. On the intelligence input received, the police authorities apprehended the appellant who was said to be selling drugs under Adyaar River Bridge and on search of the appellant, 52 gms of methamphetamine drug in an airtight plastic cover kept in his pants pocket was found. Another person found along with the appellant, namely, Gopi was also searched and found carrying airtight plastic wall-20 glass bottle used for smoking methamphetamine and they were arrested on 27.12.2024. Since then the appellant has been in custody. After investigation, chargesheet has been filed and charges are yet to be framed.

6. Having heard the learned counsel appearing for the parties, we notice that the commercial quantity has been fixed under the NDPS Act is 50 gms and above insofar as the drug methamphetamine is concerned. In the instant case what was recovered from the appellant's pants pocket was 52 gms. Though, several grounds including the search and seizure procedure being contrary to the Act and Rules, we do not propose to examine the said issue at this stage as it is likely to prejudice the rights of either of the parties. The appellant being in custody from December 2024 and a first time offender and also there being no antecedents attributable to him, we are of the considered view that he is entitled for being



enlarged on bail. Accordingly, we allow this appeal, set aside the impugned order and direct the appellant to be released on bail subject to the conditions that:

(i) He shall deposit his passport, if any, to the jurisdictional Investigating Officer;

(ii) He shall appear before the trial court on all dates of hearing except when exempted for;

(iii) In the event of any similar cases being registered against the appellant, the respondent would be at liberty to seek for cancellation of the bail by filing appropriate application before the jurisdictional trial court and in such an event the same shall be considered by the trial court on its own merits and in accordance with law.

These conditions would be in addition to such other conditions that may be imposed by the jurisdictional court and as it deems fit.”

7. From the submissions made by the learned counsel on either side, no doubt, the parity can be sought based on the role played by the petitioner. Even as per the prosecution, the role played by the petitioner is lesser than what was played by the main accused. The Hon’ble Supreme Court has granted bail to the main accused. In view of the same, this Court is inclined to give parity to this petitioner as well. Hence, this petitioner is enlarged on bail on the same conditions as ordered by the Hon’ble Supreme Court in Crl.Appeal.No.790 of 2026.



8. Accordingly, the petitioner is ordered to be released on bail on his 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 1st Additional Special Judge, Special Court for EC and NDPS Act Cases, Chennai**, and on further conditions that:

[a] The petitioner shall deposit his passport, if any, to the jurisdictional Investigating Officer;

[b] The petitioner shall appear before the trial court on all dates of hearing except when exempted for;

[c] In the event of any similar cases being registered against the appellant, the respondent would be at liberty to seek for cancellation of the bail by filing appropriate application before the jurisdictional trial court and in such an event the same shall be considered by the trial court on its own merits and in accordance with law.

[d] 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;

[e] the petitioner shall not abscond either during investigation or trial;



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[f] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[g] 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]**;

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

24-03-2026

SHL

To:

1. The 1st Additional Special Judge,
Special Court for EC and NDPS Act Cases,
Chennai.

2. The Central Prison-I,
Puzhal

3. The Inspector of Police,
S-4, Nandambakkam Police Station,
Chennai.

4. The Public Prosecutor
High Court of Madras



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C.KUMARAPPAN J.

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