



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-07-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 12141 of 2026

Amit Debbarma

..Petitioner(s)

Vs

Home, Prohibition and Excise Department
The Inspector Of Police,
G2 Periamedu Police Station,
Chennai.
(Crime No.563 of 2025)

..Respondent(s)

Prayer:- Criminal Original Petition is filed under Section 483 of BNSS, 2023, pleaded to enlarge the Petitioner on bail in connection with Crime No.563 of 2025 on the file of the Respondent Police.

For Petitioner(s):

Mr.D.Padmanabhan

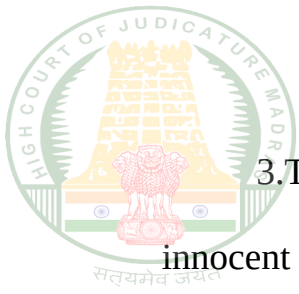
For Respondent(s):

Mr.S.Yogaraja Sekar, Government Advocate
(Criminal Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.12.2025 for the alleged offences under Sections 8 (C) r/w 20 (b) (ii) (C) of NDPS Act, 1985 in Crime No.563 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 20.150 kg of Ganja. Hence the case.



3. The learned counsel for the petitioner submitted that the petitioner is innocent and has been in custody since 03.12.2025. He further submitted that the petitioner is an Ex-serviceman. It is the specific contention of the learned counsel for the petitioner that though the contraband appears to be a commercial quantity of 20.150kg, a perusal of the First Information Report, reveals that the weight of the contraband was taken along with the bag. He contended that if the weight of the bag is excluded, then the contraband is only an intermediate quantity. He also contended that the petitioner has no criminal antecedents. Hence, he prays to grant bail to the petitioner.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent police submitted that whether the contraband was weighed with the bag or without the bag is only a matter for trial and the same cannot be gone into at the stage of a bail application. He further submitted that the petitioner is from Tripura, and if he is enlarged on bail, he may abscond and it would become difficult to secure him. However, the learned Government Advocate (Criminal side) fairly submitted that as per the photographs available in the case diary, the contraband was weighed with the white sack. He also confirmed that the petitioner has no criminal antecedents and was an ex-serviceman, though he was dismissed from service. Hence, he opposed for grant of bail to the petitioner.

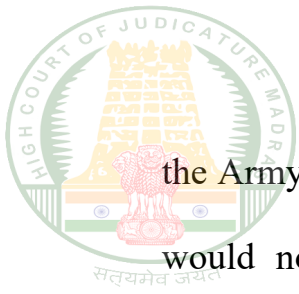


5. I have given my anxious consideration to the submissions made by the learned counsel on either side and perused the materials available on record.

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6. While looking into the factual position, according to the prosecution the total recovery from the petitioner is 20.150kg. It is the contention of the learned counsel for the petitioner that the petitioner has been incarcerated since 03.12.2025, has no criminal antecedents and is an Ex-serviceman. The primary defence put forth before this Court is that while the weight of the contraband is stated to be 20.150 kg in the First Information Report, if the weight of the sack is excluded, there is a possibility that the quantity would fall on the higher side of an intermediate quantity.

7. At this juncture, the learned Government Advocate (Criminal Side), while strongly opposing the said contention on the ground that it is a matter for trial, fairly conceded that according to the photographs available in the CD file, the weighing took place along with the sack. Therefore, on seeing the photographs, this Court is of the firm view that the weight of the sack would be more than 150 grams. In such a view of the circumstances, as rightly contended by the learned counsel for the petitioner, the weight of the contraband would not fall under the category of commercial quantity and would only be on the higher side of an intermediate quantity. Therefore, considering the fact that the petitioner has no criminal antecedents, and that despite being dismissed from



the Army, he is an ex-serviceman, the rigour under Section 37 of the NDPS Act would not be attracted. Hence, taking into consideration the fact that the petitioner has been incarcerated since 03.12.2025, this Court is inclined to grant bail to the petitioner, subject to certain conditions

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), **(one shall be a blood relative surety and the other shall be a local surety)** with two sureties each for a like sum to the satisfaction of the learned **XVI Metropolitan Magistrate, George Town, Chennai**, and subject to the following conditions:

[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 stay at Chennai and report before the respondent police daily at 10.30 a.m until further orders;

[c] the petitioner shall surrender his passport before the Investigating Officer forthwith and shall not leave the country without obtaining prior permission from the jurisdictional Trial Court. In the event the petitioner is not in possession of a passport, he shall file an affidavit before the Trial Court to that effect.



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

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

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

[g] **if the petitioner thereafter abscond, a fresh FIR may be registered under Section 269 of the Bharatiya Nyaya Sanhita, 2023.**

09-07-2026

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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.



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C.KUMARAPPAN, J.

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To

1.XVI Metropolitan Magistrate, George Town, Chennai.

2.The Superintendent of Prison,
Central Prison, Puzhal II, Chennai.

3.Home, Prohibition and Excise Department
The Inspector Of Police,
G2 Periamedu Police Station,
Chennai

4.The Public Prosecutor
High Court of Madras.

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