



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 27-07-2026**

CORAM

**THE HON'BLE MR.JUSTICE C.KUMARAPPAN**

**CRL OP No. 13110 of 2026**

Karthick

..Petitioner

Vs

Inspector of Police,  
PEW - Redhills Police Station,  
Chennai.  
Crime No.108/2025.

..Respondent

**PRAYER :** Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner /Accused-1 on bail in connection with C.C.No.1231/2025 on the file of the II Additional Special Judge, Special Court under EC & NDPS Act, Chennai.

For Petitioner: Mr.T.Hemanth Raj

For Respondent: Mr.S.Yogaraja Sekar  
Counsel for Government of Tamilnadu  
(Criminal Side)

**ORDER**

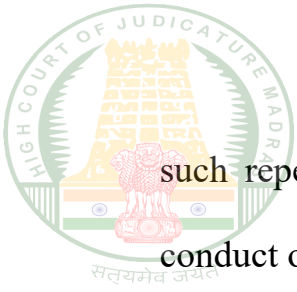
The petitioner, who was arrested and remanded to judicial custody on 03.07.2025 for the alleged offences under Sections 8(c), 20(b)(ii)(C) and 29(1) of Narcotic Drugs & Psychotropic Substances Act, 1985 in Crime No.108 of 2025 on the file of the respondent police, seeks bail.



2. The case of the prosecution is that the petitioner and another accused were found in possession of ganja. According to the prosecution, 11 kilograms of ganja was recovered from the petitioner and 11 kilograms of ganja was recovered from the second accused.

3. The learned counsel appearing for the petitioner would submit that the petitioner has been remanded to judicial custody on 03.07.2025. It is submitted that there are only two accused in the case and 11 kilograms of ganja was recovered from each of them. The learned counsel would further submit that the respondent has already filed the charge sheet and even according to the charge sheet, except the confession statement, there are no materials to rope both the accused together so as to treat the individual recovery as a commercial quantity. It is well settled, in view of the judgment of the Hon'ble Supreme Court in ***Tofan Singh v. State of Tamil Nadu reported in AIR 2020 SCC 5592***, that the confession statement alone cannot be the basis to implicate the accused. It is further submitted that though the petitioner has one previous case involving small quantity, he has already been enlarged on bail in the said case. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police strongly opposed the bail application and submitted that the petitioner is repeatedly involving himself in similar offences. It is submitted that



such repetitive commission of offences has to be viewed objectively, as the conduct of the petitioner would seriously affect the society.

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5. I have given anxious consideration to the submissions made by the learned counsel on either side.

6. This Court is in agreement with the submission made by the learned Government Advocate (Crl.Side) regarding the conduct of the petitioner. However, the recovery from the present petitioner is only 11 kilograms of ganja. It is only by clubbing the recovery made from the second accused that the prosecution seeks to treat the case as involving commercial quantity. On a perusal of the charge sheet and the materials available on record, this Court could not find any material, except the confession statement, to rope both the accused together. As already observed, the confession statement alone cannot be a ground to implicate the accused, in view of the law laid down by the Hon'ble Supreme Court in *Tofan Singh v. State of Tamil Nadu*. Therefore, this Court is of the firm view that, though the petitioner was found in possession of 11 kilograms of ganja and has one previous case involving small quantity, considering the period of incarceration from 03.07.2025, the rigour under Section 37 of the NDPS Act would not attract, as the quantity recovered from the petitioner by itself is only an intermediate quantity. Hence, this Court is inclined to enlarge the petitioner on bail, subject to certain conditions.



7. 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 each to the satisfaction of the learned **learned II Additional Special Judge, Special Court under EC & NDPS Act, 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 report before the respondent police twice a day at 10.30 a.m. and 05.30 p.m., for a period of two weeks and thereafter as and when required for interrogation;

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

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

[e] 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]***;



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

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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.

To

1. The II Additional Special Judge, Special Court under EC & NDPS Act, Chennai.
2. Central Prison, Puzhal -II.
3. The Inspector of Police, PEW - Redhills Police Station, Chennai.
4. The Public Prosecutor, High Court of Madras.



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**C.KUMARAPPAN, J.**

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