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CRL OP No. 18333 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-07-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 18333 of 2026

Essakidurai

..Petitioner

Vs

State by,
Inspector of Police,
Paradarami Police Station,
Vellore. Crime No.163 of 2025

..Respondent

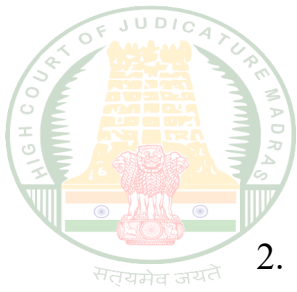
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner/Accused in Crime No.163 of 2025 pending on the file of the respondent police.

For Petitioner: Mr.R.Radha Pandian

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 06.02.2026 for the alleged offences under Sections 8(c) r/w 20(b)(ii)(C), 25 and 29(1) of Narcotic Drugs & Psychotropic Substances Act, 1985, in Crime No.163 of 2025 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that the accused persons were found in joint possession of 37.050 kilograms of ganja.

3. The learned counsel for the petitioner would submit that the petitioner has been in judicial custody from 06.02.2026. Though this is a case involving 37.050 kilograms of ganja, there was absolutely no recovery from this petitioner. There are altogether nine accused and the entire recovery was effected only from A1. The learned counsel would further submit that A1 has already been released on statutory bail in Crl.M.P.No.400 of 2026 dated 07.07.2026. It is also submitted that the other accused, namely A2 to A6, have also been enlarged on statutory bail in Crl.M.P.No.401 and 170 of 2026 dated 07.07.2026. Hence, he prayed to grant bail to the petitioner on the ground of parity.

4. The learned Government Advocate (Crl.Side) opposed the bail application. However, the fact that A1 has been released on statutory bail and the other accused have also been enlarged on statutory bail was not seriously disputed.

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



6. Though this is a case involving 37.050 kilograms of ganja, admittedly there was no recovery from the present petitioner. There are altogether nine accused and the entire recovery has been effected only from A1. It is also not in dispute that A1 has been enlarged on statutory bail in Crl.M.P.No.400 of 2026 dated 07.07.2026, and the other accused have also been released on statutory bail. Hence, considering the above facts, the absence of any recovery from the petitioner and having the respondent allowed the other accused to get statutory bail due to their carelessness, this Court is of the firm view that the petitioner is also entitled to be enlarged 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 **Additional District Judge, Special Court for Essential Commodities Act Cases, Salem**, 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 daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation;



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[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]*;

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

20-07-2026

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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.

To

1. The Additional District Judge, Special Court for Essential Commodities Act Cases, Salem.
2. Central Prison, Salem.
3. The Inspector of Police, Paradarami Police Station, Vellore.
4. The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN, J.

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