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CRL OP No. 20219 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18 -08-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 20219 of 2026

Akash @ Akash Ebinesar
S/o. Velu,
No. 105, K.G. Signature Flat,
Maduravoyal,
Chennai - 600 095.

..Petitioner(s)

Vs

The State Rep. by, The Inspector of Police
K-6, T.P.Chathram Police Station,
Chennai - 600 010.
Crime No. 179 of 2025.

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner on bail in CC.No.63 of 2026 on the file of the Learned Court of Special Judge,II Additional Special Court for Exclusive Trial of Cases under NDPS Act,Chennai in connection to Cr.No.179 of 2025 and pass such further or other orders as this Honble Court may deem fit and proper in the facts and circumstances of the case and thus render justice.

For Petitioner(s):

Mr.K.Kannan

For Respondent(s):

Mr.M.M.I.Khaleel
Government Advocate (Crl.Side)



ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.07.2025 for the alleged offences under Sections 8(c) r/w 20(b)(ii)(c) of Narcotic Drugs & Psychotropic Substances Act, 1985, in Crime No.179 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 22.07.2025, based on information received by the respondent police, the accused persons were found in possession of ganja. A total quantity of 21.430 kilograms of ganja was recovered, out of which 10.745 kilograms along with cash was recovered from A1 and A2 and 10.685 kilograms was recovered from A3. Hence, the case was registered.

3. The learned counsel appearing for the petitioner submitted that the petitioner is entitled to bail on the ground of parity, as the co-accused, namely A2, was already enlarged on bail by this Court, vide order dated 07.05.2026 in CrI.O.P.No.11786 of 2026, and A3 was similarly released on bail, vide order dated 08.06.2026.

3.1. It is further submitted that the petitioner has been in judicial custody since 22.07.2025, for more than a year. The contention of the petitioner is that there is a contradiction in the information memo received. It is submitted that



Section 52 (a) was violated and that there was no proper inventory. The total quantity of ganja recovered was 21.43 kgs, out of which 10.745 kgs was allegedly recovered from this accused/A1 and A2, while another 10.685 kgs was recovered from one Raja @ Amlet Raja. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that though A2 was enlarged on bail in Crl.O.P.No.11786 of 2026 and A3 was also released on bail on 08.06.2026, the petitioner cannot seek parity. He further submitted that the petitioner has six previous cases pending against him, one of which is of a similar nature. He further submitted that the investigation has been completed and the charge sheet has been filed in CC.No.63 of 2026 and charges have been framed. Hence, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. I have gone through the records and other connected materials; it revealed that the petitioner has been in custody since 22.07.2025, for more than a year. Taking note of the alleged violation of Section 52-A and the fact that the co-accused have also been released on bail by this Court, and considering the



long period of incarceration, this Court is inclined to grant bail to the petitioner.

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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 each**, for a like sum to the satisfaction of the **learned Special Judge, II Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai.**, and on further conditions that:

[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., until further orders;

[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 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]**;



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

18-08-2026

MPA

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 Special Judge, II Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai.

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

3. The Inspector of Police
K-6, T.P.Chathram Police Station,
Chennai - 600 010.

4. The Public Prosecutor
High Court of Madras



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N.RAMESH, J.

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