



WEB COPY

CRL OP No. 22171 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. 22171 of 2026

Sudalainathan
S/o. Thalavai,
No.5/67, North Street,
Vadakkoor,
Aralvaymozhi,
Thovalai,
Kanyakumari District.

..Petitioner(s)

Vs

State Represented by the Inspector of Police
PEW Thiruvallur Police Station,
Chennai.
Crime NO. 38 of 2025

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner on bail pending Trial in CC No. 1912 of 2025 on the file of the I Additional Special Judge NDPS Act Cases, at Chennai and thus render justice.

For Petitioner(s): Mr.T.S.Sasi Kumar

For Respondent(s): M.M.I. Khaleel
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.06.2025 for the alleged offence under Sections 8(C) r/w 20(b)(ii)(C) and 29(1) of NDPS Act in R.R.No.57 of 2020 on the file of the respondent, seeks bail.



2. The case of the prosecution is that on 22.06.2025 at about 11.00 hours, when the respondent police is on patrol duty they received secret information about the illegal sale of ganja. Based on that, the Sub Inspector of Police along with his police team went to the scene of occurrence i.e., Thiruvallur Railway Station. At that time, four persons was found to be in possession of 20.500 kgs of ganja and the same was seized by the respondent police. Hence, the complaint.

3. The learned counsel for the petitioner submitted that this is the second bail petition filed by the petitioner and that he has been in judicial custody since 22.06.2025. He further submitted that, according to the prosecution, the total recovery is 20.500 kgs of ganja, whereas the alleged recovery from the petitioner is only 5.100 kgs of ganja, which falls within the intermediate quantity. He further submitted that there are four accused in this case and that the petitioner is ranked as A2. According to the learned counsel, the remand report specifically records that the seized contraband, when weighed in the presence of the learned Magistrate, was found to be 20 kgs. The relevant portion of the remand report reads as follows:

“The seized contraband produced weighed in my presence and the seized contraband weighed as 20 kgs”.



Relying upon the said observation in the remand report, the learned counsel for the petitioner submitted that the quantity of ganja actually seized is only 20 kgs of ganja, and that the alleged recovery from the petitioner is only 5.100 kgs, which falls within the intermediate quantity. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that the total recovery of the contraband is 20.500 kgs of ganja. He further submitted that the petitioner along with other accused, had purchased the contraband from A5 at Odisha and attempted to sell the same for their personal gain. He further submitted that the charge sheet has been filed and the case has been taken on file in C.C. No.1912 of 2025 before the I Additional Special Court for Exclusive Trial of cases under NDPS Act, Chennai. He further submitted that the petitioner has no criminal antecedents. Hence, he opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and also perused the materials available on record.

6. From the perusal of the records, particularly the remand report, it is



seen that the contraband produced before and weighed in the presence of the learned Magistrate was recorded as 20 kgs of ganja. The alleged recovery from the petitioner is only 5.100 kgs of ganja, which falls within the intermediate quantity. Though the petitioner has no criminal antecedents, considering the specific observation in the remand report regarding the quantity of contraband seized, the stage of the case and the long period of incarceration, this Court is of the view that the custodial interrogation of the petitioner is not required. 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 to the satisfaction of the **learned I Additional Special Judge for 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 learned I Additional Special Judge for NDPS Act, Chennai, 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];**

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

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DRL

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 I Additional Special Judge NDPS
Case, Chennai.

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

3. The Inspector of Police
PEW Thiruvallur Police Station,
Chennai.

4.The Public Prosecutor,
High Court, Madras.



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N.RAMESH, J.

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