



CRL OP(MD). No.13283 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 08/07/2026

CORAM

THE HONOURABLE MR. JUSTICE K. RAJASEKAR

CRL OP(MD). No.13283 of 2026

Malaiyarasan

... Petitioner/ Accused No.1

Vs

The State of Tamilnadu Rep By,
The Inspector of Police,
Seithur Police Station,
Virudhunagar District.
Cr.No.178 of 2025.

... Respondent/Complainant

PRAYER :-

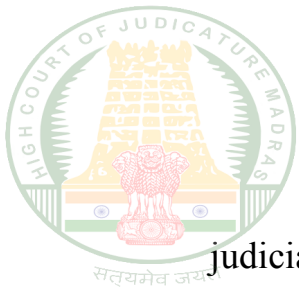
To enlarge the petitioner on bail in C.C.No.12 of 2026 on the file of the Hon`ble Additional District Sessions Judge / Presiding Officer Special Court for NDPS Act cases, Pudukkottai, for the offences under Section 8(c), 20(b)(ii)(B), 29(1) of NDPS on the file of the respondent police.

For Petitioner : Lenin K,
Advocate.

For Respondent : Mr.T.Lenin Kumar,
Government Advocate (Crl.Side)

ORDER : The Court made the following order :-

The petitioner / Accused, who was arrested and remanded to



CRL OP(MD). No.13283 of 2026

judicial custody on 31.07.2025 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B), and 29(1) of NDPS, in Crime No.178 of 2025 on the file of the respondent police, seeks bail.

2. The allegation against the petitioner is that the petitioner herein was found in transportation of 1.500 kg of ganja, and he was intercepted by the police on 31.07.2025, and after completing the mandatory provisions, seizure was effected from him, and subsequently, the statement was also recorded from him, and it was revealed that he, along with A2, procured ganja from Andhra Pradesh for the purpose of selling the same and brought it to Tamil Nadu and stored 19 kg of ganja in a separate place. Subsequently, based on his statement, 19 kg of ganja were also recovered, and the total quantity involved in this case is 20.500 kg of ganja, which is a commercial quantity. Hence, the case has been registered.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he was falsely implicated in this case



CRL OP(MD). No.13283 of 2026

and he has not committed any offence as alleged by the prosecution. He would further submit that this is the second bail petition and the earlier petition filed by the petitioner was dismissed by this Court. He further submitted that the quantity involved in this case is only 20.500 kg of ganja, which is the borderline of a commercial quantity, and in several judgments of this court, it has been held that there is a possibility of reducing the quantity after removing the flowering and fruit tops. He further submitted that the weight of the ganja seized under the second mahazar, which included the jute bag. Hence, if the weight of the bags is reduced, it will fall within the non-commercial quantity. Hence, Section 37 of the NDPS Act may not stand for granting bail. Hence, he prayed to grant bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appeared for the respondent and reiterated the prosecution case and, on instructions, reported that it is a case of seizure of 20.500 kg of ganja, and the magisterial report clearly states that it is a commercial quantity and the grounds raised by the petitioner are not applicable to the present. Hence, he opposed granting bail to the petitioner.



CRL OP(MD). No.13283 of 2026

WEB COPY

5. I have gone through the FIR and also the connected materials including the final report.

6. This Court carefully perused the seizure which was effected for the seizure of 19 kg of ganja, revealing that these 19 kgs of ganja are alleged to have been weighed along with the bag. Though the learned counsel for the petitioner stated that it is a jute bag and the nature of the bag has been disputed by the learned Government Advocate (Crl. side), but the fact remains that 19 kg of ganja have been weighed along with the bags. It is well settled that when the ganja is seized along with the bag, it must be separately weighed after complying with the rules for sampling, and it is a clear case of not properly sealing and sampling, and in the mahazar, it is categorically stated that the weighing has been done along with the bag. The petitioner is entitled to benefit of reducing the weight of the bag. Accordingly, this Court is of the view that the petitioner is entitled to bail for treating the case as a non-commercial quantity.

7. Accordingly, this Court is inclined to grant bail to the petitioner subject to the following conditions:



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[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the **Additional District Sessions Judge/Presiding Officer Special Court for Narcotic Drugs and Psychotropic Substances Act Cases, Pudukottai**, and on further conditions that:

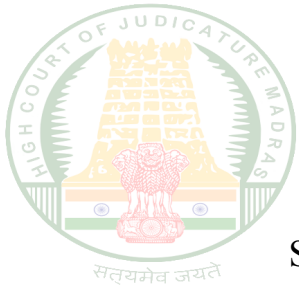
[b] **the petitioner shall report before the trial Court daily at 10.30 a.m.,until further orders.**

[c] the petitioner shall not commit any offence similar to the offence of which he/she is accused, or suspected, or of the commission of which he/she is suspected;

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

[e] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the 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.



CRL OP(MD). No.13283 of 2026

State of Kerala [(2005)AIR SCW 5560].

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[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

08.07.2026

dss

To

- 1.The Additional District Sessions Judge/Presiding Officer Special Court for Narcotic Drugs and Psychotropic Substances Act Cases, Pudukottai.
- 2.The Inspector of Police,
Seithur Police Station,
Virudhunagar District.
3. The Superintendent, Central Prison,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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CRL OP(MD). No.13283 of 2026

K. RAJASEKAR,J

dss

ORDER
IN
CRL OP(MD) No.13283 of 2026

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