

CRL OP(MD). No.14427 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16.07.2026

PRESENT

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

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1.Mohamed Javith
2.Mohamed Aadil

... Petitioners / A1 and A2

Versus

The State of Tamil Nadu,
Rep by the Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.
(Crime No.329 of 2026)

... Respondent / Complainant

PRAYER :-Criminal Original Petition filed under Section 483 of the BNSS, 2023, to enlarge the petitioners on bail in Crime No.329 of 2026 on the file of the respondent police.

For Petitioners : Mr.A.Shajahan,
Advocate

For Respondent : Mr.T.Lenin Kumar,
Counsel for State of TN
(Crl. Side)



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ORDER : The Court made the following order :-

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The petitioners/Accused Nos.1 and 2, who were arrested and remanded to judicial custody on 04.07.2026 for the offences punishable under Sections 8(c) and 20(b)(ii)(A) of the Narcotic Drugs and Psychotropic Substances Act, 1985, and Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No.329 of 2026 on the file of the respondent police, seek enlargement on bail.

2. The case of the prosecution is that the accused persons were found in possession of 50 grams of ganja with an intention to sell the same to the school students and general public. Hence, the FIR has been registered by the respondent police.

3. The learned counsel appearing for the petitioner would submit that the petitioners are innocent persons and they were falsely implicated in this case and they have not committed any offence as alleged by the prosecution. He would further submit that the contraband involved in this case is not commercial quantity. Hence, Section 37 of the NDPS Act is not applicable to this case. They are in custody from 04.07.2026 and



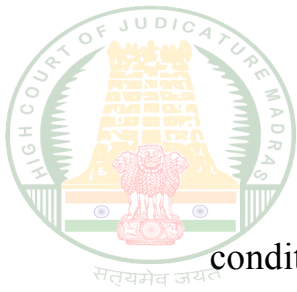
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ready to abide any condition imposed by this Court. Hence, he prayed
bail for the petitioners.

4. The learned Counsel appearing for the State reiterated the prosecution case and reported that the investigation in this case is still pending. The petitioners have no previous cases. If they are released out of bail, again they will indulge in similar activities. Hence, he opposed the grant of bail to the petitioners.

5. This Court heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case, the nature of the offences, the fact that the petitioners have no previous criminal antecedents, the quantity of contraband involved is not a commercial quantity and, therefore, the rigour of Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, is not attracted, and also taking into account the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners, subject to certain



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conditions:

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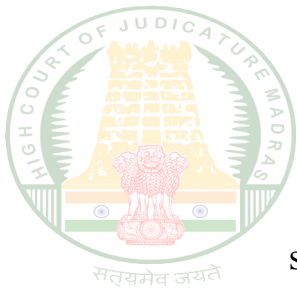
[a] Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Sivakasi, Virudhunagar District and on further conditions that:

[b] the petitioners shall report before the jurisdictional Magistrate at 10.30 a.m., on all working days, for a period of three weeks, thereafter as and when required for interrogation;

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

[e] the petitioners 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



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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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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)AIR SCW 51730]***.

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

16.07.2026

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To

- 1.The Judicial Magistrate No.I,
Sivakasi,
Virudhunagar District.
- 2.The Officer-in-Charge,
District Prison,
Virudhunagar.

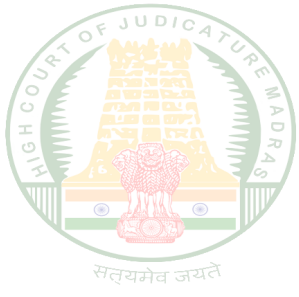
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3.The Inspector of Police,
Siyakasi Town Police Station,
Virudhunagar District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.RAJASEKAR,J.

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ORDER
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