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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 29/07/2026

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THE HONOURABLE MR. JUSTICE K. RAJASEKAR

CRL OP(MD). No.15735 of 2026

K.Sibiyon Raj ... Petitioner/Accused No.1

Vs

State of Tamilnadu Rep by,
The Inspector of Police,
Checkanurani Police Station,
Madurai District.
Crime No.264 of 2026. ... Respondent/Complainant

PRAYER :-

For Bail in Crime No264. of 2026 on the file of the Respondent Police.

For Petitioner : S.Atham Ali,
Advocate.
For Respondent : Mr.T.Lenin Kumar,
Government Advocate (Crl.Side)

**ORDER** : The Court made the following order :-

The petitioner / Accused No.1, who was arrested and remanded to



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judicial custody on 28.06.2026, for the offences punishable under Sections 123 of BNS, 2023 and Sections 8(c) r/w 22(a) and 27(a) of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 25(1)(a), 20 and 30 of the Arms Act, in Crime No.264 of 2026 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, while the respondent police were on regular patrol duty, they intercepted two vehicles, namely, a two-wheeler and a car, and found the accused persons in possession of 100 Nitrazepam tablets, 580 Tapentadol tablets, one pistol (Star RX Gen3 Air Gun), one sword, five knives, one laptop and two mobile phones. The respondent police seized the said articles and registered the present FIR against the accused.

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



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applicable to this case. The petitioner has no previous cases and the co-accused was released on bail by this Court in Crl.OP(MD)No.14529 of 2026 on 16.07.2026. He is in custody from 28.06.2026 and ready to abide any condition imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Counsel appearing for the State reiterated the prosecution case and reported that the investigation in this case is still pending. The petitioner has no previous cases. He would further submit that the Nitrazepam tablets attributed to the petitioner weigh only 55 grams, which does not constitute a commercial quantity and the co-accused was released on bail by this Court. He would further submit that Tapentadol does not fall within the purview of the Narcotic Drugs and Psychotropic Substances Act, 1985. If the petitioner is released out of bail, he will indulge in similar activities. Hence, he opposed the grant of bail to the petitioner.

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



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6. Considering the facts and circumstances of the case, the nature of the offence, the fact that 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 the co-accused was released on bail by this Court and also taking into account the period of incarceration undergone by the petitioner and the fact that the petitioner has no previous cases, this Court is inclined to grant bail to the petitioner, subject to certain conditions.

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

[b] **the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation;**

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



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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. State of Kerala [(2005)AIR SCW 51730]***.

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



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**29.07.2026**

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**To**

1.The Judicial Magistrate No.II,
Usilampatti,
Madurai District.

2.The Superintendent,
Central Jail at Madurai.

3.The Inspector of Police,
Checkanurani Police Station,
Madurai District.

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



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K. RAJASEKAR,J

dss

ORDER
IN
CRL OP(MD) No.15735 of 2026

Date : 29/07/2026



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