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CRL OP No. 20750 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-09-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL OP No. 20750 of 2025

Najmul Hassan
S/o. Mohan Miah,
No.4/389, W-4, Paharpur Dhakshin
Pharpur, West Tripura,
Tiripura - 799181

Petitioner(s)

Vs

The Inspector of Police,
PEW Pallikaranai Police Station,
(Cr.No.25/2025)

Respondent(s)

CRL OP No. 20750 of 2025

PRAYER

To enlarge the petitioner on bail pending trial in Cr.No.25/2025 on the file of the respondent police.

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

For Respondent(s): Mr.A.Gopinath,
Govt. Advocate (Crl. Side)



ORDER

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2. The case of the prosecution is that on 04.04.2025, on a secret information with regard to sale of prohibited contraband at Kannagi Nagar near Housing Board, the respondent police conducted a search, but on seeing them, they tried to escape from there and they caught hold of him. On search, the respondent police found that the petitioner along with other accused were found in possession of 24 kgs. of ganja and seized the same. Accordingly, the complaint was registered against the petitioner.

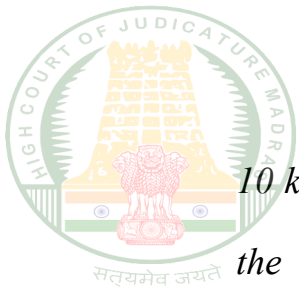
3. The learned counsel for the petitioner submitted that the petitioner is ranked as A2 and he was falsely implicated in this case as if he was found in possession of prohibited contraband. He would submit that he is in custody for more than 5 months from 04.04.2025, but there is no progress in the trial. He would submit that he is an innocent person and he has not at all committed any offence as alleged by the respondent police and he is no way connected with the said occurrence. He would submit that there is no role of the petitioner in the



alleged offence. He would also submit that there was a recovery under different mahazars, for which he relied the ratio laid down by this court in Crl.O.P.No.9448 of 2022, wherein in paras 5,7 and 8, it has been held as follows:-

“5. The learned counsel for petitioners would specifically contended that what was recovered from these two petitioners is not a commercial quantity, the recovery was under two different mahazar and even according to the alleged confession statement of the first accused, the contraband was entrusted to them individually by one Amiruth Jamal. As far as these two petitioners are concerned, there is no consensus or to have joint possession of contraband.

7. This Court finds force in the submission made by the learned counsel for the petitioners, though single F.I.R. has been filed regarding the recovery of 25 kg. of ganja from these petitioners the case of prosecution as well as the evidence collected indicates that the seized contraband was entrusted on a person named Amiruth Jamal of Assam and the first petitioner has borrowed Rs.10,000/- for his medical expenses from the said Amiruth Jamal as fit procurator agreed to carry 15 kg. of ganja to be delivered to the person, who will be available on his arrival at Chennai. The said Amiruth Jamal has engaged the second petitioner and has entrusted



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10 kg. of ganja to him in the absence of any materials to show that the contraband seized were jointly possessed by both the petitioners.

8. This court considers that they were in possession of the respective quantity of ganja independently and therefore, the rigor of Sec.37 of NDPS Act will not apply.”

Accordingly, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the total contraband seized in the process 24 kgs. of ganja, which is a commercial quantity, however, from this petitioner, 12 kgs. of ganja was recovered, which is an intermediate quantity. He would submit that now the investigation is almost completed and he is in custody for more than 5 months. He would submit that he belong to Tripura and so, if he is released on bail, he would hamper the investigation and tamper the witnesses. Hence, he strongly opposed to grant bail to the petitioner.

5. On seeing the facts, it reveals that they are in possession of 12 kgs. of ganja independently, which is an intermediate quantity. Hence, Sec. 37 of NDPS Act would not apply. Considering that and considering the aforesaid authority laid down by this court and also considering the period of incarceration undergone by the petitioner from 04.04.2025 for more than 5 months and the



investigation was completed, and he is ready to abide any condition imposed by this court, this Court is inclined to grant bail to the petitioner subject to the following conditions :-

6. 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, in which **one surety must be a local surety and another surety must be from his native place** for a like sum to the satisfaction of the **learned Principal Special Judge, NDPS Court, Chennai** and on further conditions that:

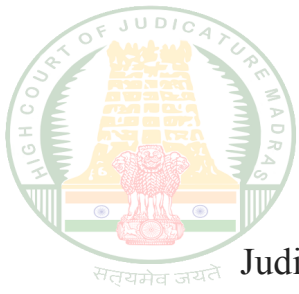
(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police on alternative days at 10.30 a.m. for the period of three months;

(c) the petitioner shall not commit any offences of similar nature;

(d) the petitioner shall not abscond either during investigation or trial;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;



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(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 5560];

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS

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Index: Yes/No

Speaking/Non-speaking order

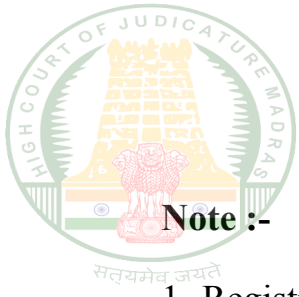
Internet: Yes

Neutral Citation: Yes/No

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To

1. Principal Special Judge, NDPS Court, Chennai.
2. The Inspector of Police, PEW Pallikaranai Police Station, Chennai.
3. The Superintendent of Prison, Central Prison, Puzhal-I, Chennai.
4. The Public Prosecutor, High Court, Madras



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.



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T.V.THAMILSELVI J.

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