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CRL OP No. 303 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-04-2026

CORAM

THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

CRL OP No. 303 of 2026

1. Manikandan
S/o. Karthikeyan,
D.No.12/81, Porthiyada Ethalar,
Ithalar Ooty, Nilgiri District,
Now Residing at D.No.23, Anna Nagar,
Sowripalayam Pirivu, Ramanthapuram,
Coimbatore.

Petitioner(s)

Vs

1. The State Represented by,
The Inspector of Police
B2-R.S.Puram Police Station
Coimbatore,
Crime No.155 of 2025.

Respondent(s)

PRAYER

Criminal Original Petition filed under Section 483 of BNSS, praying to enlarge the Petitioner on Bail in C.C.No.118 of 2025 on the file of the Special Court for Trial of Cases under the EC Act, Coimbatore, pending Trial, arising out of Crime No.155 of 2025 and thus render Justice.

For Petitioner(s): Mr.R.C.Paul Kanagaraj

For Respondent(s): Mr.Vinoth Kumar
Government Advocate (Crl. Side)



ORDER

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The petitioner/A1 arrested and remanded to judicial custody on 28.03.2025 in connection with C.C.No.118 of 2025 for offence under Sections 8(c) r/w 20(b)(ii)(B), 22(b), 22(c), 25, 29 (1) of Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 4(1)(a) & 4(1)(C) of the Tamil Nadu Prohibition (Amendment) Act, 2024 on the file of the Special Court for trial of cases under EC Act, Chennai.

2. The learned counsel for the petitioner would submit that the petitioner is A1 and from him, 24.40 grams of MDMA tablets, which is the commercial quantity, 1620 grams of ganja and cash of Rs.21 lakhs, along with the other liquor bottles, were seized on 28.03.2025. The learned counsel would submit that the respondent had filed a charge sheet, and the case is now posted for trial. According to the prosecution, there are about 10 accused in this case and in furtherance of the confession given by the first accused, the other accused A3, A4, A5 & A7 were arrested and subsequently released on bail. From A3, 92.43 grams of Cocaine, and from A7, 12.47grams of MDMA were recovered. The learned counsel would further submit that A6 is the employer of the present petitioner and that he was also enlarged on bail. It is the specific submission of the learned counsel for the petitioner that no description of contraband was



mentioned in the Mahazar as well as in the lab report, and that this petitioner is entitled to parity. He would further submit that no reference is made as to the mode of samples taken from the contraband, and that this petitioner has no previous antecedent. Hence, prayed to grant bail to the petitioner.

3. Per contra the said contention was stoutly objected by the learned Government Advocate (Crl.Side) and would submit that the commercial quantity of contraband was recovered from the petitioner and the other accused. Further, as per the confession of the present accused, a fact was unearthed that he purchased the contraband from another state and was selling the same in Tamil Nadu, especially to college students and youngsters for his personal gain. He would further submit that still A8, A9 & A10 are absconding. The learned Government Advocate (Crl.Side) would also contend that the petitioner cannot seek parity, as from the other accused, who got bail, no recovery of a commercial quantity of the contraband, whereas in the case in hand, the contraband recovered from this petitioner was the commercial quantity.

5.I have given my anxious consideration to the submissions of either side.

6. Though the learned counsel for the petitioner would submit that this Court has granted bail to A3, A4, A5, A7, while looking into the observation made by this Court with forensic insight, as rightly contended by the learned



Government Advocate, those accused have no conscious possession of a commercial quantity of contraband and their possession was either small quantity or intermediate quantity. Whereas, what was recovered from the petitioner is a commercial quantity, viz., MDMA tablet of 24.40 grams. Therefore, the petitioners' first argument of parity must fail. While looking into the prosecution case, this petitioner is the main accused. Further, some of the accused are still absconding.

7. Coming to the other aspects, viz., no description of contraband and the defective procedure in taking samples, qua regarding procedural lapses, it is a well-settled principle of law that, such things can not be overplayed at the stage of bail, and the same could be effectively adjudicated during trial.

8. The further argument that the petitioner has no bad antecedent is not a factor to overcome the rigour of Section 37 of NDPS Act. Because the recovery from the petitioner is a commercial quantity, and this court is of the firm view that either in the petition or from the submission of the learned counsel, this court could not find any material to overcome the rigour under Section 37 of the NDPS Act. Accordingly, this Court is not inclined to grant bail to the petitioner.



CRL OP No. 303 of 2026

10. Thus, the Criminal Original Petition is dismissed.

01-04-2026

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. The State Represented by,
The Inspector of Police
B2-R.S.Puram Police Station
Coimbatore

2. The Public Prosecutor
High Court of Madras.



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C.KUMARAPPAN J.

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