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Crl.O.P.No.844 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-02-2026

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.844 of 2026

S. Karuna @ Karuna Serakalai

... Petitioner/ Accused

Vs

Union, Rep. By,
The Junior Intelligence Officer,
NCB, Chennai.
R.R.No.57 of 2023

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of BNSS Act, 2023, to enlarge him on bail pending in c.c.no.564 of 2024 on file of the learned Principal Special Judge, Special Court under EC and NDPS Act, Chennai.

For Petitioner(s) : Mr. M.G. Martinmanivannan

For Respondent(s) : Mr. N.P. Kumar
Special Public Prosecutor



ORDER

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The petitioner, who was arrested and remanded to judicial custody on 18.11.2023, for the alleged offence punishable under Section 8(c) r/w. Section 21(c), 28 & 29 of NDPS Act 1985 in P.R.No.57 of 2023, on the file of the respondent police, seeks bail. The earlier bail application of the petitioner herein was dismissed as withdrawn by this Court, vide order dated 25.10.2025 in Crl.O.P.No.13535 of 2025.

2. The case of the prosecution is that on 16.11.2023 based on a specific information, the officers of Narcotics Control Bureau, Chennai Zonal Unit went to the place of occurrence and intercepted the petitioner herein; that after complying all the mandatory provisions of the NDPS Act, search was conducted and effected a seizure of 1.035 kgs. of Hashish (Charas) from the petitioner herein; that various documents/ IDs were also recovered from him, which were also seized under the provisions of the NDPS Act, 1985; that thereafter, the petitioner was summoned on the spot under Section 67 of the NDPS Act and his statement was recorded on 17.11.2023, which reveals that the seized Hashish was supplied by one John; that thereafter, on the basis of physical description and identification of said John provided by the petitioner herein, John was located and summoned to appear before NCB Chennai Office



by a team of NCB Chennai officers on 18.11.2023, for detailed enquiry and his statement was recorded under Section 67 of the NDPS Act; that subsequently, they were remanded to judicial custody on 18.11.2023.

3. The learned counsel appearing for the petitioner submitted that in the seizure memo, it has been categorically recorded that the total weight of the contraband seized in this case is 1.035 kgs. of Hashish, however this contraband was wrapped with scotch tape packet with silver foil food case. For testing the nature of the contraband they used a kit and thereafter once again, the entire two bricks of dark green color resinous substance was weighed altogether along with scotch tape wrapping with silver foil food case; that being the case, the quantity seized is to be less than 1.035 kgs. and since more than 1 kg of Hashish (Charas) alone is considered as a commercial quantity; that since there was no clarity regarding the exact quantity of the contraband seized either in the seizure mahazar or any other documents produced by the prosecution before the trial Court, hence the benefit of such reduce in the weight of the seized contraband has to be extended to the petitioner herein, for the purpose of determining the quantity of the alleged contraband seized. He also relied on the judgment of the Apex Court passed in *Sulaiman Mohamed Vs. The State of Tamil Nadu* [Crl.A.No. 790 of 2026 dated 09.02.2026], and submitted that in paragraph No.6 of the said order, the Apex Court has extended the benefit of granting bail to the



petitioner therein, though the quantity seized in that case is 52 grams of Methamphetamine; that the petitioner has no previous antecedents and he is ready to abide by any condition that may be imposed by this Court, hence sought for bail to the petitioner.

4. The learned Special Public Prosecutor appearing for the respondent Police, while opposing the bail to the petitioner reiterated the prosecution case and by relying on the inventory report contended that, at the time of taking inventory, the weight of the contraband taken before the Magistrate was 1.190 kgs., after taking sample, it was only 1.140 kgs and reduction of 35 grams of the contraband, from the threshold limit is not permissible; that since at the time of producing the samples the contraband alleged to have been seized has been recorded as 1.031 kgs.; that the seized contraband is commercial quantity, hence Section 37 of the NDPS Act is applicable to the case of the petitioner.

5. This Court has perused the inventory report, wherein it is recorded that the contraband seized from the petitioner herein was marked as P1 (1.035 kgs.), whereas at the time of producing the contraband before the Magistrate concerned, the respondent has quantified the contraband as 1.031 kgs. However, there is no material to show that, how the respondent has come to the conclusion that the weight of contraband seized is 1.031 kgs. Further, the contraband was



weighed before the Magistrate concerned along with the cover, which was packed by the respondent herein at the time of seizure. Similarly after taking the sample, the weight along with the cover is also recorded. Admittedly, at the time of seizure, the contraband is alleged to have been weighed as 1.035 kgs, which is inclusive of the scotch tape wrapping along with the silver foil food case and the weight of this tape cover along with silver foil food case was not weighed separately, and nowhere it is recorded or stated that, what is the exact quantity of the contraband seized, after removing silver foil food case and the tape.

6. Considering the above, this Court is of the view that the petitioner is entitled for the benefit of reduce in the quantity alleged to have been seized from the petitioner herein so as to bring down to 1 kg. and the petitioner has no previous antecedents, this Court is inclined to grant bail to the petitioner with certain conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties, for a like sum to the satisfaction of the *learned Principal Special Judge, Special Court for Exclusive Trial of Cases under NDPS Act at Madras* and on further conditions that:-



[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report before the Trial Court concerned daily at 10:30 a.m., until further orders;

[c] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;

[d] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

27.02.2026

mpa/ stn

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.

To

1. The Principal Special Judge,
Special Court for Trial of Cases under NDPS Act, Chennai.
2. The Junior Intelligence Officer,
NCB, Chennai.
R.R.No.57 of 2023
3. The Superintendent,
Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.

K. RAJASEKAR, J.

mpa/ stn



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