



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2026

CORAM
THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP No.696 of 2026

Santhosh

..Petitioner

Vs

The State Rep By
The Inspector of Police,
PEW Madhavaram,
Tiruvallur District.
Crime No.102 of 2025

..Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner/Accused herein on bail in Crime No.102 of 2025 on the file of the Respondent/Complainant i.e on the file of the Inspector of Police, PEW Madhavaram Police Station, Chennai.

For Petitioner : Mr.S.Kartik

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.side)

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ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.11.2025 for the alleged offence punishable under Section 8(c), 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.102 of 2025, on the file of the respondent police, seeks bail.

2. The allegation against the petitioner is that the petitioner was involved in possession and transportation of 19 kgs of Ganja which is not commercial quantity and was arrested on 22.11.2025.

3. The learned counsel for the petitioner submitted that the petitioner is in judicial custody for nearly 60 days and so far final report has not been filed. The quantity seized is also not commercial quantity as per Section 37 of the NDPS Act and hence is not applicable to the case of the petitioner and he is ready to co-operate with the investigation. He further submitted that the petitioner is ready to abide by any conditions that may be imposed by this Court and sought for bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) submitted that the petitioner has no previous case, however considering the quantity involved in this case, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. I have gone through the FIR and other connected materials and revealed that the petitioner is in possession of contraband which is not commercial quantity and hence section 37 of the NDPS Act is not applicable to the case of the petitioner. Further the petitioner is in incarceration and already 60 days is over and so far no final report is filed. Considering the above facts and the petitioner has no previous case, this court is inclined to grant bail to the petitioner on certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with two sureties, for a like sum to the satisfaction of



the **District Munsif-cum-Judicial Magistrate Court, Madhavaram** and

on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall appear before the respondent police daily at 10:30 a.m., for a period of four weeks and thereafter, on all hearing dates without fail;

[c] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall make himself available for interrogation by a Police officer as and when required;

[e] the petitioner shall not abscond either during investigation or trial;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate



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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]**;

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

19.01.2026

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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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K.RAJASEKAR, J.,

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To

- 1.The District Munsif-cum-Judicial Magistrate Court,
Madhavaram
2. The Inspector of Police,
PEW Madhavaram,
Tiruvallur District.
- 3.The Superintendent,
Chennai Central Prison,
Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court, Madras.

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