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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 1821 of 2026

Suriya

..Petitioner

Vs

The State rep by its
Sub-Inspector of Police
K 2,Ayyanavaram Police Station,
Chennai 600 028
(Crime.No. 311/2024)

..Respondent

Prayer: Criminal Original Petition filed under section 483 of BNSS Act to enlarge the petitioner on bail in C.C.No.393 of 2025 on the file of the II Additional special Court under E.C. and NDPS Act at Chennai.

For Petitioner:

Mr.S.Kasirajan

For Respondent:

Mr.S.Vinoth Kumar,
Govt.Advocate (Crl Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.11.2024 for the alleged offence under Section 8(c), 22(c) and 29(1) of NDPS Act @ under section 8(c) r/w 22(C), 29(1) and 20(b)(ii)(A) of NDPS Act in Crime No.311 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with another accused were found in possession of LSD stamps, Methamphethamine and OG



(Ocean Grown) Ganja. Hence, this case.

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3. The learned counsel for the petitioner submitted that A1 is the petitioner herein. Though recovery of 23 LSD stamps weighing about 0.564 grams comes under the commercial quantity, the learned counsel relied upon the release of the co-accused one M.Pradeep in Crl.OP.No.11963 of 2025 dated 29.10.2025. It is the specific submission of the learned counsel for the petitioner that section 50 of the NDPS Act has not been followed. He has also relied upon the judgment of the Hon'ble Supreme Court in the case of *Arif Khan alias Agha Khan Vs. State of Uttarakhand* reported in (2018) 18 Supreme Court Cases 380.

4. The learned Government Advocate (Crl.Side) strongly opposed the bail application on the ground that the recovery of narcotic substance from this petitioner is a commercial quantity and that in the judgment which has been relied by the learned counsel for the petitioner to seek parity, there is observation by this Court in respect of the compliance of section 50 of the NDPS Act as against other Accused, and only against Pradeep since the same was not complied with, he has been enlarged on bail. Apart from that he also submitted the compliance report before this Court. Hence, he opposed the grant of bail to the Petitioner.

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



perused the materials available on record.

6. From the submissions made by the learned counsel on either side, it is seen that the main contention raised by the learned counsel for the petitioner is parity, by relying upon the order of this Court in Crl.OP.No.11693 of 2025 dated 29.10.2025. However, the ground of parity is based upon the fundamental fact that search under Section 50 of NDPS Act was not followed as against that petitioner. However the learned Government Advocate (Crl.Side) relied upon the observation made by the learned Judge in the above Crl.OP.No and submitted that the learned Judge after referring the Case Diary has observed that the Police has complied section 50 in respect of other accused and only as against that petitioner the same was missing. Apart from that, they also produced the search report before the Court. Hence, the parity which is sought by the learned counsel for the petitioner does not arise. Therefore, the use of judgment in *(2018) 18 Supreme Court Cases 380* also is of no use to the petitioner. While looking at the other fact that this is a commercial quantity and the petitioner is incarcerated since 12.12.2025, and to overcome the rigour of section 37 of the NDPS, this Court could not find any material. Hence, this Criminal Original Petition is dismissed.

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3. The Public Prosecutor High Court of Madras



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C.KUMARAPPAN J.

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