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Crl.O.P.No.1618 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.01.2026

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL.O.P.No.1618 of 2026

1. Srinivasan
2. Deepika

... Petitioners

Versus

State rep. by,
The Inspector of Police,
Velippalayam Police Station, Nagapattinam.
(Crime No.339 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023, to enlarge the petitioners on bail in Crime No.339 of 2025 on the file of the Respondent Police.

For Petitioners	:	Mr. U. Kathiravan
For Respondent	:	Mr. A. Gopinath, Government Advocate (Crl. Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on 29.12.2025, for the offences punishable under Section 123 of Bharatiya Nyaya Sanhita, (BNS), 2023 r/w Sections 8(c), 20(b)(ii)(A) of Narcotic Drugs and Psychotropic Substances Act, (NDPS) 1985, , r/w Sections 7 and 20(1) of Cigarette and Other Tobacco Products Act, (COTPA) 2003, in Crime No.339 of 2025, registered on the file respondent police, seeks bail.



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2. The allegations against the petitioners are that they were engaged in selling and were in possession of 400 grams of ganja and two bundles of Cool Lip tobacco products, each contained 8 packets. The contraband was seized and the petitioners were arrested. Hence, the present complaint has been registered.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that they are ready and willing to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioners were involved in selling banned tobacco products and were in possession of 400 grams of Ganja and two bundles of Cool Lip tobacco products (each containing 8 packets). The contraband articles were seized and the petitioners were arrested. He further submitted that the first petitioner is involving in 16 previous cases, while the second petitioner is involved in 2 previous cases, and that the investigation is still pending. Therefore, he opposed the grant of



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bail to the petitioners.

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5. Heard the learned counsel appearing on either side and perused the materials available on record, including the First Information Report.

6. Considering the facts and circumstances of the case, and the submissions made by the learned Government Advocate, and the fact that the petitioners having previous criminal cases pending against them, and also taking into account the small quantity of tobacco products involved in this case, I am inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand Only) with two sureties** for a like sum to the satisfaction of the **learned Judicial Magistrate No.2, Nagapattinam**, 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;



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[b] the petitioners shall report before the respondent police daily at 10:30 A.M., for a period of three weeks and thereafter, as and when required for interrogation;

[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 petitioners were 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 petitioners thereafter abscond, a fresh FIR can be registered under Section 269 of B.N.S.

27.01.2026

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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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To

- 1.The Judicial Magistrate No.2, Nagapattinam.
- 2.The District Jail, Nagapattinam.
- 3.The Sub-Jail for Women, Thiruvarur.
- 4.The Inspector of Police, Velippalayam Police Station, Nagapattinam.
- 5.The Public Prosecutor, High Court of Madras, Chennai.



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K.RAJASEKAR, J.

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