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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2026

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THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.1939 of 2026

K. Murugan

... Petitioner

Vs

The State rep. by,
Inspector of Police,
F-3, Nungambakkam Police Station,
Chennai.
(Crime No.689of 2025) ... Respondent

PRAYER Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime
No. 689 of 22025 dated 17.12.2026 on the file of the respondent police

For Petitioner(s) : Mr.D. Percivul Pericles
For Respondent(s) : Mr. A. Gopinath
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on
17.12.2025 for the offence under Sections 8(c), 20(b), (ii),(B), 29(1) of
NDPs Act, 1985 in Crime No.689 of 2025, registered on the file of the
respondent police, seeks bail.



2. The case of the prosecution is that based on a secret information, the respondent police went to the spot and found that the petitioner along with other accused were in possession of 1.200 kgs of banned tobacco products. Hence a case was registered by the respondent police.

3. The learned counsel appearing for the petitioner submitted that in the F.I.R it was stated that the occurrence was taken place on 17.12.2025 at 6:30 am whereas the respondent police went at 7.00 a.m and arrested the petitioner. He further submitted that the petitioner is trying to demonstrate the same through CCTV footage and he is in judicial custody from 17.12.2025 and he is ready to abide by any conditions that may be imposed by this Court and sought for bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent while opposing the bail to the petitioner, reiterated the prosecution case and submitted that the petitioner along with other accused were in possession of 1.200 kgs of banned tobacco products. He further submitted that there are four previous cases pending against the petitioner. Hence, he opposed to grant bail to the petitioner.



5. Considering the facts and circumstances of the case, and considering the quantity of contraband involved in this case is not a commercial quantity and even though there are previous cases are pending they are not similar in nature, this Court is inclined to grant bail to the petitioners herein with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on their executing a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** with **two sureties each** for a like sum to the satisfaction of the Principal Special Court under EC & NDPS Act, Chennai 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 appear before the respondent police daily at 10.30 a.m., for a period of four 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 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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

29.01.2026

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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.

To

1.The Inspector of Police,
F-3, Nungambakkam Police Station,
Chennai.

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2. The Principal Special Court under EC & NDPS Act, Chennai

3. The Superintendent, Central Prison, Puzhal-II

4. The Public Prosecutor,
High Court of Madras.



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K. RAJASEKAR, J.

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Crl.O.P. No.1939 of 2026

29.01.2026