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CRL OP No. 1971 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-04-2026

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

CRL OP Nos.1971, 1973 & 5236 of 2026

CRL.OP.No.1971/2026

1. Nataraj
S/o. Samiyappan,
No.79, Periyar Nagar, 3rd Street,
Korukkupet,
Chennai-600 021.

Petitioner(s)/A2

Vs

1. The State of Tamil Nadu rep by
The Inspector of Police,
H6, R.K.Nagar Police Station,
Chennai,
Crime No.335 of 2025

Respondent(s)

CRL OP No. 5236 of 2026

1. Mari @ Mariappan
S/o.Samiyappan, No.12/24, 9th Street,
J.J.Nagar, Korukkupet, Washermanpet,
Chennai-21.

Petitioner(s)/A5

Vs

1. The State Rep. by its
The Inspector of Police
H-6 R.K.Nagar Police Station, Chennai.
Crime No. 335/2025.

Respondent(s)



CRL OP No. 1971 of 2026

CRL OP No. 1973 of 2026

1. Seniammal
W/o. Johnson, No.359, E Street,
J.J.Nagar, Korukkupet,
Chennai-600 021.

Petitioner(s)/A1

Vs

1. The State Rep by
The Inspector of Police,
H6, R.K.Nagar Police Station,
Chennai.
Crime No.335 of 2025.

Respondent(s)

PRAYER

Criminal Original Petitions filed under Section 483 of BNSS, praying to enlarge the Petitioners on Bail in C.C.No.600 of 2025 (On the file of the learned I Additional Special Judge, EC and NDPS Act, Chennai) in Crime No.335 of 2025 (On the file of the Respondent).

For Petitioner(s): Mr.D.Padmanabhan

For Respondent(s): Mr.Vinoth Kumar
Government Advocate (Crl Side)

COMMON ORDER

In Crl.OP.No.1971 of 2026, Mr.Nataraj is the 2nd accused, in Crl.OP.No.1973 of 2026 Mrs.Seniammal is the first accused and Mr.Mari @ Mariappan, S/o.Samiyappan is the 5th accused in Crl.OP.No.5236 of 2026.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) appearing for the respondent.



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3(a).The learned counsel for the petitioners would submit that all the accused were arrested on 10.05.2025. According to the prosecution case, this is a case of recovery of a commercial quantity of 22.640 kilogram of Ganja and recovery of 21 kilograms from A1 and there is no recovery from A2 to A5. From A6, 1.640 kilograms of Ganja was recovered. The prosecution case is that, when on secret information, they intercepted Mari (A6), he informed that he purchased Ganja from Seniammal (A1) and that the Seeniammal, Nataraj, Mala, Johnson, Mari have purchased huge quantity of Ganja from Andhra Pradesh and distributing to the small traders, and that from them, the petitioners purchased 1.640 kilograms of Ganja and kept the same for sale.

(b).The learned counsel for the petitioners would further submit that the type of bag in which the contraband recovered has not been stated and that they have not furnished with any grounds of arrest, and there is no reference in the seizure mahazar as to the net weight of the contraband. If the respondent put net weight, the same would come within the intermediate quantity. Therefore, the question of rigour under Section 37 of NDPS Act would not attract. The seized contraband was also not sealed besides the learned counsel for the petitioner would submit that Mala (A3) was enlarged on bail by this Court on 11.11.2025 in CrI.OP.No.23956 of 2025 and Johnson (A4) in CrI.OP.No.30881 of 2025 on



21.11.2025. It is the further submission of the petitioners that A6 was also enlarged on bail in Crl.OP.No.35935 of 2026. Hence, contended that based upon the ground of parity, these petitioners are also entitled for grant of bail.

4.The said contention was stoutly objected by the learned Government Advocate (Crl.Side) appearing for the respondent and would submit that initially, the respondent have intercepted A6, and on his confession, they have recovered 21 kilograms of Ganja from the house of A1 and that A2 to A6 are also involved in this offence. It is the further submission of the learned Government Advocate that Mari @ Mariappan (A5) and Seniammal (A1) have got previous cases of similar nature. As against Nataraj (A2), he being the part of conspiracy in purchasing the contraband, and that the recovery of 21 kilograms of Ganja would invite the rigour under Section 37 of NDPS Act and thereby, all the accused are not entitled for the grant of bail. Hence, prayed to dismiss the applications.

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

6.Coming to the 2nd accused Nataraj, according to the prosecution case, the allegation is that when they intercepted Mari (A6), he informed that one



Seniammal and her husband Johnson and Seniammal's brother Nataraj, Mariappan and Mariappan's wife Mala, all jointly went to the Andhra Pradesh and purchased huge quantity of Ganja and kept the same in Seniammal's house. In furtherance of such statement, the respondent police reached Soniammal's house and had recovered 21 kilograms of Ganja. Therefore, even according to the prosecution case, the only allegation against Nataraj is that he assisted his sister Seniammal. Even according to the prosecution, admittedly there is no recovery from Nataraj and the place of recovery also is the residence of Seniammal.

7. At this juncture, it is relevant to refer the previous order passed by this Court in respect of Mala (A3), Johnson (A4) and Mari (A6). The main consideration while granting bail to them was that there was no recovery from them and what was recovered is only from the first accused. Apart from that A3(Mala) and A4 (Johnson) have no previous case of similar nature. Only in that context, this Court has found that as against them, the rigour of Section 37 of NDPS Act cannot be applied, as there was no recovery from them and that the recovered place is also not their residence and it was only the first accused residence.



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8. Coming to the 6th accused Mari, this Court took cognizance that what was recovered is, only 1.6 kg of Ganja and he was also enlarged on bail on 16.02.2026 in Crl.OP.No.35935 of 2025.

9. Even in the present cases, admittedly as against Nataraj(A2), there is no recovery. Therefore, this Court is of the firm view that in view of the bail granted to A3, A4, & A6, a same parity can be applied to the 2nd accused Nataraj.

10. However, coming to Seniammal (A1) and Mari @ Mariappan (A5), admittedly there are previous cases of similar nature. Apart from that, the recovery is from the residence of first accused Seniammal. Therefore, this Court of the firm view that Crl.OP.Nos.1973 & 5236 of 2026 are liable to be dismissed, as the rigour under Section 37 of NDPS Act is applicable to them and no parity could be given to them based upon the previous orders of this Court. Hence, **Crl.OP.Nos.1973 & 5236 of 2026 are dismissed.**

11. However, by giving parity to the 2nd accused Nataraj as that of A3, A4 & A6, this Court is inclined to enlarge him on bail, as there was no recovery from him and that no previous case against him.



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12. Accordingly, the petitioner in Crl.OP.No.1971 of 2026 [Nataraj] 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 each**, for a like sum to the satisfaction of the **learned Principal Special Judge 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 in Crl.OP.No.1971 of 2026 shall report before the Principal Special Court daily at 10.30 a.m., for the period of three weeks and thereafter, on the hearing dates;

[c] the petitioner in Crl.OP.No.1971 of 2026 shall not abscond either during investigation or trial;

[d] the petitioner in Crl.OP.No.1971 of 2026 shall not tamper with the evidence or witness either during investigation or trial;

[e] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in Crl.OP.No.1971 of 2026 in accordance with law as if the aforementioned conditions have been imposed and the petitioner in



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CrI.OP.No.1971 of 2026 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]**;

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

13.Criminal O.P.No.1971 of 2026 is ordered accordingly.

06.04.2026

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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 Principal Special Court under EC & NDPS Act, Chennai.
- 2.The Inspector of Police, H6 R.K.Nagar Police Station, Chennai.
- 3.The Superintendent, Central Prison, Puzhal-II, Chennai.
- 4.The Public Prosecutor, High Court of Madras.



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CRL OP No. 1971 of 2026

C.KUMARAPPAN J.

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**CRL OP Nos.1971, 5236
& 1973 of 2026**

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