



Crl.O.P.No. 2596 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2026

CORAM

THE HONOURABLE MR JUSTICE K.RAJASEKAR

Crl.O.P.No. 2596 of 2026

Mohamed Suban

... Petitioner

Versus

The State represented by
The Inspector of Police
D-5, Marina Police Station
Chennai
Crime No. 448 of 2025.

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, to enlarge the petitioner on bail in Crime No. 448 of 2025 on the file of respondent police.

For Petitioner : Mr.J.Samiullah

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.12.2025, for the offences punishable under Sections 8(c) r/w 21(b) and 22(b) of NDPS Act, in Crime No. 448 of 2025 registered on the file of respondent police, seeks bail.

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2.The allegation against the petitioner is that the petitioner joined hands with two other accused were found in possession of 130 grams Nitzascen Tablet and after compliance of mandatory provisions, the petitioner along with two other accused were arrested and remanded to judicial custody on 25.12.2025.

3.The learned Counsel for the petitioner submitted that the petitioner is ranked as A3 and the contraband seized in this case is of intermediate quantity, so Section 37 of the NDPS Act, is not applicable. The petitioner is ready to co-operate with the investigation. Therefore, the learned Counsel prays bail to the petitioner.

4.The learned Government Advocate [Criminal Side] appearing for the respondent police while opposing bail to the petitioner reiterated the prosecution's case and submitted that there are totally three accused in this case and the seized contraband is weighs 130 grams which is an intermediate quantity.



5.Considering the nature of allegations and that it is case of intermediate quantity, Section 37 of the NDPS Act is not applicable in this case, this Court is inclined to grant bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail on his executing a 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 II Metropolitan Magistrate, Egmore at 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] that the petitioner shall report before the respondent police daily at 10.30 am for the period of four weeks and thereafter, as and when required for interrogation.



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[c] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the 3rd 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 absconds, a fresh FIR can be registered under Section 269 of B.N.S.

12.02.2026

MSM

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

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

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1.The Metropolitan Magistrate No.II,
Egmore, Chennai-600 008.

2.The Superintendent of Central
Prison, Puzhal, Chennai.

3.The Public Prosecutor
High Court of Madras.

4.The Inspector of Police
D-5, Marina Police Station
Chennai
Crime No. 448 of 2025.



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K.RAJASEKAR J.

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