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CRL OP No. 3457 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-02-2026

CORAM

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CRL OP No. 3457 of 2026

Akshaya kumar

..Petitioner(s)

Vs

State rep by

Inspector of Police,

V1 Villivakkam Police Station,

Chennai.

Crime No.35/2026

..Respondent(s)

Prayer: This Criminal Original Petition is filed under Section 483 of BNSS to enlarge the Petitioner on bail in Cr.No.35 of 2026 pending investigation before the respondent.

For Petitioner(s): Mr.R.C.Paul Kanagaraj

For Respondent(s): Mr.A.Gopinath, GA (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.01.2026 for the offences punishable under Sections 8(c), 8(b), 20(b)(ii)(B), 20(a)(1), 25 & 29(1), NDPS Act @ 8(c), 8(b), 20(b)(ii)(B), 20(a)(i), 22(a), 25, & 29(1) of the NDPS Act, in Crime No.35 of 2026 on the file of respondent police seeks bail.



2. The allegation against the petitioner is that when the respondent police was on duty on 19.01.2026 at about 23:00 hours, he had received an information from his informant that three persons viz., Divakar, Lathish Kumar, and Ram Kumar will come to sell the Ganja near a house located at No.10, Thiruvengadeya 2nd Street, Karimedu, Villivakkam. After getting information, the respondent police along with two other accused were proceeded to the spot and mounted surveillance. On identification by the informant, the police parties intercepted the aforesaid three persons. After completion of mandatory provisions, under NDPS Act, the police parties seized 1.500 kgs of ganja from A1. Based on the confession of co-accused, the respondent police arrested the petitioner herein and seized 40 grams of ganja and 37 grams of hashish oil from him. After recording their statements, all of them were arrested and remanded to the judicial custody.

3. The learned counsel for the petitioner submitted that it is not a commercial quantity under Section 37 of the NDPS, Act, is not applicable to the case of the petitioner. He further submitted that the petitioner was arrested and remanded to judicial custody from 24.01.2026 and he is ready to co-operate for investigation and trial process. Hence, he prayed for grant of bail to the petitioner.



4. Mr.A.Gopinath, learned Government Advocate (Criminal Side) appearing for the respondent police, reiterated the prosecution case and submitted that apart from contraband, the huge amount of Rs.3,00,000/- was recovered from the petitioner herein, and investigation is pending in this case.

5.Reply to the submissions of the learned Government Advocate, the learned Counsel for the petitioner submitted that the money was in possession of the petitioner for meeting his family expenses and the money was sourced by pledging the gold jewels and he has also produced a copy of the bills before this Court.

6.Considering the fact that it is not the case of commercial quantity and the period of incarceration of the petitioner from 24.01.2026; though it is stated that a cash of Rs.3,00,000/- has been recovered but the contraband seized only intermediate quantity, this Court is inclined to grant bail to the petitioner with certain conditions:-

7. 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 Principal Special Judge for NDPS Cases 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 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 absconds, a fresh FIR can be registered under Section 269 of B.N.S.

18.02.2026

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.

To

1. Inspector of Police,

V1 Villivakkam Police Station,

Chennai.

2. The Principal Special Court of NDPS Cases,

Chennai.

3. The Superintendent,

Central Prison, Puzhal.

4. The Public Prosecutor,

High Court of Madras.



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K.RAJASEKAR, J.

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