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CRL OP No. 3824 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 3824 of 2026

Punniyamurthy @ Mohan

..Petitioner(s)

Vs

The State of Tamil Nadu Rep. by,
The Inspector of Police,
E9, Thazhambur Police Station,
Chennai.
Crime No.87 of 2022.

..Respondent(s)

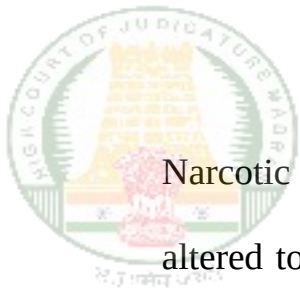
Criminal Original Petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to enlarge the petitioner on bail in connection with CC.No.176 of 2023 on the file of I Additional Special Court for Exclusive Trial Cases under NDPS Court at Chennai in Crime No.87 of 2022 on the file of the Respondent Police.

For Petitioner(s): Mr.D.Padmanabhan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.04.2022 for the alleged offences under Sections 8(c) and 20(b)(ii)(C) of the



Narcotic Drugs and Psychotropic Substances Act, 1985, and subsequently altered to Sections 8(c), 20(b)(ii)(C), 22(b), 25 and 29(1) of the NDPS Act, in Crime No.87 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in possession of 3.9 kilograms of ganja and 350 banned narcotic pills. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and has been falsely implicated in this case. He would further submit that the petitioner has been under incarceration since 01.04.2022 and that, even according to the prosecution, the contraband seized falls within intermediate quantity. It is the further submission of the learned counsel that A1 was granted bail by the Hon'ble Supreme Court in Special Leave Petition (Crl.) No.15840 of 2023, by order dated 02.04.2024, and pursuant thereto, A2 and A3 were also enlarged on bail by this Court vide orders dated 13.02.2023 and 05.06.2024 in Crl.O.P.No.2755 of 2023 and Crl.O.P.No.10329 of 2024, respectively. Hence, he submitted that this is a fit case in which the petitioner may be enlarged on bail on the ground of parity.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, while strongly opposing the grant of bail, submitted that the



petitioner cannot claim parity with the other accused, as he has as many as 27 previous cases, whereas the other accused have only one or two previous cases.

However, he fairly submitted that even the said S. Venkatesan, who was granted bail by the Hon'ble Supreme Court on 02.04.2024, had about 10 previous cases.

5. I have given my anxious consideration to the submissions made by the learned counsel on either side.

6. Considering the above facts and circumstances, the period of incarceration undergone by the petitioner, the fact that the co-accused have already been granted bail by this Court as well as by the Hon'ble Supreme Court, and also the fact that the contraband seized falls within intermediate quantity, this Court is of the view that the petitioner is entitled to claim parity with the co-accused. Accordingly, this Court is inclined to grant bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner 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 I Additional Special Court for Exclusive Trial Cases under NDPS Act, Chennai, and subject to the following conditions:



[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 report before the respondent police twice a day at 10.30 a.m. and 05.30 p.m for a period of two months and thereafter as and when required for interrogation;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner 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 take appropriate action against the petitioners in accordance with law as if the conditions had been imposed and the petitioner released on bail by the learned Magistrate/Trial Court itself, as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]***;

[f] if the petitioner thereafter abscond, a fresh FIR may be registered under Section 269 of the Bharatiya Nyaya Sanhita, 2023.

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Note:

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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 I Additional Special Court for Exclusive Trial Cases under NDPS Court, Chennai.
- 2.The Superintendent, Central Prison, Puzhal-II, Chennai.
- 3.The Inspector of Police, E9, Thazhambur Police Station, Chennai.
- 4.The Public Prosecutor, High Court of Madras, Chennai.



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C.KUMARAPPAN, J.

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