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CRL OP No. 3966 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. 3966 of 2026

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..Petitioner(s)

Vs

State rep by
The Inspector of Police,
D-1 Triplicane Police station,
Chennai District.
Crime No.16 of 2026

..Respondent(s)

Prayer: This Criminal Original Petition is filed under Section 483 of BNSS to enlarge the Petitioner on bail in Crime No.16 of 2026 pending on the file of the respondent.

For Petitioner(s): Mr.A.Samson

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.01.2026 for the offences punishable under Sections 8(c), 20(b)(ii)B, 29 of the Narcotic Drugs and Psychotropic Substance Act, 1985 in Crime No.16 of 2026 on the file of respondent police seeks bail.



2. The allegation against the petitioner is that the petitioner, who is ranked as A3 in this case. The petitioner, joined hands with other two accused was found in possession 1.540 kgks of Ganja illegally and to sell it to the general public. After completion of mandatory provisions, the petitioner was arrested and remanded to judicial custody 13.01.2026.

3. The learned counsel for the petitioner submitted that it is not a commercial quantity under Section 35 of the NDPS, Act, is not applicable to the case of the petitioner. However, the said contraband was recovered. He further submitted that the petitioner was arrested and remanded to judicial custody from 13.01.2026 and he is ready to co-operate with the investigation. Hence, he prayed to grant 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 the petitioner is having three previous cases, one case similar in nature and another one robbery case and other offences. He further submitted that final report is not yet filed. He opposed to grant bail to the petitioner.



5. Considering the period of incarceration of the petitioner from 13.01.2026; that the contraband was recovered, is not commercial quantity; though the petitioner is having previous cases, 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 at Egmore**, 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.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MSM

To

1. The Inspector of Police,
D-1 Triplicane Police station,
Chennai District.
2. The II Metropolitan Magistrate, Egmore.
3. The Superintendent, Central Prison,
Puzhal-II.
4. The Public Prosecutor,
High Court of Madras.

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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K.RAJASEKAR, J.

MSM

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