



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2026

CORAM

THE HONOURABLE MR JUSTICE K.RAJASEKAR

Crl.O.P.No. 4165 of 2026

Syed Basheer

...Petitioner

Versus

The State represented by
The Inspector of Police
D3 Ice House Police Station
Chennai
(Crime No. 483 of 2025.

... Respondent

Prayer: Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioner on bail in
Crime No. 483 of 2025 on the file of respondent police.

For Petitioner : Mr.M.Hussaini Basha

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on
26.12.2025 for the offences punishable under Sections 8(c), r/w 22(b) and
29(1) of NDPS Act, 1985 and 123 of BNS Act, in Crime No. 483 of 2025
have been registered on the file of respondent police, seeks bail.



2. The allegation against the petitioner is that the petitioner is ranked as A2 in this case and joined hands with other co-accused involved in illegally procuring 3580 numbers of Tydol tablets and 150 numbers of Nitrazepam Tablets (a nearly intermediate quantity of 60 grams) from Mumbai to Chennai. While they were attempting to hand over the same, the other accused were intercepted by the respondent police, and A1 to A3 were arrested with the above tablets. Hence, the case was registered, and the petitioners were arrested. On prior information, it was revealed that a total of 10 accused were involved in this case, and A6, A8 and A10 were also arrested and some more accused are absconding.

3. The learned counsel for the petitioner submitted that already co-accused-A1 in this case, was released on bail by the trial Court in CrI.M.P.No. 606 of 2026 by the learned Principal Special Judge, vide order dated 11.02.2026. Since under Section 37 of the NDPS Act is not a commercial quantity and the petitioner is in incarceration from 26.12.2025 and he is ready to co-operate with the investigation. Hence, he prayed to grant bail to the petitioner.



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4.Mr.A.Gopinath, learned Government Advocate, (Criminal Side) appearing for the respondent, while opposing the bail to the petitioner, reiterated the prosecution case and submitted that the huge quantity of contraband seized. However, the contraband seized which is a commercial quantity, Section 37 of the NDPS Act, 1985, is applicable to the facts of the present case. He further submitted that the investigation is pending and co-accused was released on bail by the trial Court and hence, opposed to grant bail to the petitioner herein.

5.I have heard the submissions made on both sides and perused the records.

6.Though it is stated that some of the co-accused in this case are absconding, the petitioner has been incarceration since 26.12.2025 and the contraband seized does not fall within the category of commercial quantity. Hence, Section 37 of the NDPS Act, 1985 is not applicable to the facts of the present case. Hence, 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 their 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 **II Metropolitan Magistrate, Egmore, 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 a.m., 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]**;



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

23.02.2026

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.II Metropolitan Magistrate, Egmore,
Chennai.

2.The Public Prosecutor
High Court of Madras.

3.The Inspector of Police
D3 Ice House Police Station
Chennai
(Crime No. 483 of 2025.

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



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K.RAJASEKAR J.

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