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CRL OP No. 4708 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-02-2026

CORAM

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CRL OP No. 4708 of 2026

Rajasekar

S/o.Sethuraman

..Petitioner(s)

Vs

State rep by

The Inspector of Police,

Erode south Police Station

Erode

Crime No. 23 of 2026.

..Respondent(s)

Prayer: This petition is filed under Section 483 of BNSS to enlarge the petitioner on bail pending investigation in Crime No.23 of 2026 pending investigation on the file of the respondent and thus render Justice.

For Petitioner(s):

Mr. A. Rahul

For Respondent(s):

Mr.A.Gopinath

Government Advocate(Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.01.2026, for the alleged offence punishable under Sections 8(c) r/w 20(b)(ii)



(B) of NDPS Act, 1985 in Crime No.23 of 2026 on the file of the respondent police, seeks bail.

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2. The allegation against the petitioner is that the petitioner is that he was found in possession of 1.250 grams of ganja. Hence this case.

3. The learned counsel appearing for the petitioner submitted that the contraband seized from the petitioner is only an intermediate quantity and the petitioner is in custody from 22.01.2026 and he is ready to cooperate with the investigation and abide by any other stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that the seized contraband does not fall within the intermediate quantity and there are 11 previous cases pending against the petitioner. Hence, he opposed to grant bail to the petitioner.

5. Considering the submissions made by the learned counsel on either side, the period of incarceration undergone by the petitioner, the fact that the quantity involved in this case is intermediate quantity and Section 37 of NDPS Act is not applicable and further the previous cases reported against the



petitioner are all IPC offences, this Court is inclined to grant bail to the petitioner.

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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 Judicial Magistrate- III, Erode* and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the Trial Court daily at 10.30 a.m., for a period of four weeks.

[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 aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the 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)AIR SCW 5560];

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

26-02-2026

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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
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1. The *learned Judicial Magistrate- III, Erode*
2. The Inspector of Police,
Erode south Police Station
Erode
3. The Sub Jail, Erode
4. The Public Prosecutor,
High Court, Madras.



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K.RAJASEKAR, J.

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