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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 5508 of 2026

Kundan Sahani

..Petitioner

Vs

State Rep. By ,
The Inspector of Police,
PEW Dharapuram Police Station,
Tiruppur District.
(Cr.No.53/2026).

..Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in connection with the Crime No.53 of 2026 on the file of the Respondent Police.

For Petitioner:

Mr.D.Padmanabhan

For Respondent:

Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.02.2026 for the alleged offences under Sections 8(c), 20(b)(ii)(B) of NDPS Act, in Crime No.53 of 2026 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 05.02.2026, the respondent police went to the spot and allegedly recovered 3 kgs of ganja in the form of dried leaves, stems, flowers, and buds. Hence the case.



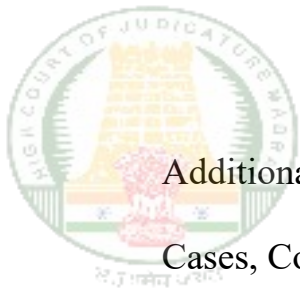
3. The learned counsel appearing for the petitioner submitted that the quantity involved in this case is not a commercial quantity and therefore, the bar under Section 37 of NDPS Act will not apply. He further submitted that there is no previous case is pending against the petitioner and that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The said factual position is not seriously disputed by the learned Government Advocate (Crl. Side) appearing for the respondent.

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

6. Considering the fact that the quantity involved in the present case is not a commercial quantity and also considering the long incarceration undergone by the petitioner since 05.02.2026 and that there is no previous cases pending against the petitioner, this Court is of the view that this is a fit case to enlarge the petitioner on bail, 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 for a like sum each to the satisfaction of the learned



Additional District Judge of Special Court for Essential Commodities Act
Cases, Coimbatore, and subject to the following conditions:

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[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 one month 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 petitioners 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.

04-03-2026

NSL



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. The Additional District Judge of Special Court
for Essential Commodities Act Cases, Coimbatore.
2. The Inspector of Police, PEW Dharapuram Police Station,
Tiruppur District.
3. Central Prison, Coimbatore.
4. The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN, J.

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