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IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 12-03-2026**

CORAM

**THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR**

**CRL OP No. 6391 of 2026**

Vijayakanth

Petitioner(s)

Vs

The State of Tamil Nadu Rep by,  
Inspector of Police,  
Arakonam PEW, Ranipet District.  
Crime No.23 of 2025

Respondent(s)

**PRAYER:** Criminal original petition filed under Section 439 (1)(b) Cr.P.C. to call for the records and SET-ASIDE the Order dated 19.02.2026 passed in Crl.M.P.No.100 of 2026 in Crl.M.P.No.571 of 2025 on the file of the Learned Additional District and Sessions Judge under EC Act, Salem District.

For Petitioner(s): Mr.P. Karthikeyan

For Respondent(s): Mr. Leonard Arul Joseph Selvam  
Additional Public Prosecutor

**ORDER**

This criminal original petition is filed to call for records and to set aside the order dated 19.02.2026 passed in Crl.M.P. No. 100 of 2026 in Crl.M.P. No. 571 of 2025 by the learned Additional District and Sessions Judge under EC Act, Salem District.



2. The gist of facts that led to the filing of this petition is that the respondent herein had registered a case in Crime No. 23 of 2025 on 18.03.2025 for offences under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act against the petitioner herein alleging that the petitioner was found in possession of 10 Kgs of ganja and that he tried to sell the same to the general public. The petitioner was arrested and remanded to judicial custody on 19.03.2025. The petitioner filed Crl.M.P. No. 571 of 2025 before the Special Court under EC Act, Salem, seeking statutory bail. By order dated 26.06.2025, the statutory bail application was allowed on certain conditions and one of the conditions stipulated was that the petitioner had to execute a bond for a sum of Rs.25,000/- with two sureties each for a likesum. Since the same could not be arranged, Crl.M.P. No. 100 of 2026 was filed seeking to modify the aforesaid condition imposed by order dated 26.06.2025 in Crl.M.P. No. 571 of 2025. However, by the impugned order, the Trial Court dismissed the same. Hence, the present original petition.

3. The contention of the learned counsel for the petitioner is that though the petitioner was granted bail as early as on 26.06.2025, still he is languishing in prison, for almost more than 8 months, as the aforesaid condition imposed is an onerous one and the petitioner is unable to comply with the same. Further, he submitted that the Court below is insisting for property documents for executing sureties and that the petitioner is unable to produce the same. Hence, the learned counsel sought for modification.



4. Heard the learned Additional Public Prosecutor for the respondent, who strongly opposed the modification sought by the petitioner.

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5. It is seen that the petitioner had been granted bail on 26.06.2025 and it is almost 8 months now. Still, the petitioner is in prison due to the aforesaid condition imposed, which is onerous to the petitioner. Thus, the petitioner has been denied the benefit of bail.

6. In view of the same, the impugned order is set aside. Condition No.(1) of order dated 26.06.2025 in CrI.M.P. No. 571 of 2025 is modified to the effect that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a likesum to the satisfaction of learned Judicial Magistrate No.1, Arakkonam, Ranipet District. All other conditions imposed remain unaltered.

7. The criminal original petition is disposed of accordingly.

**12-03-2026**

Neutral Citation: Yes/No

nv



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**M.NIRMAL KUMAR, J.**

nv

To

1. The Addl. District and Sessions Judge  
Under EC Act, Salem District.
2. The Inspector of Police,  
Arakonam PEW, Ranipet District.
3. The Public Prosecutor, High Court,  
Madras.

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