



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-06-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 11235 of 2026

Suman Dass
S/o.Naresh Das,
Ward No.4, Est Nalchar,
Dakshin Nalchar, West Tripura, Tripura - 799 115.

..Petitioner(s)

Vs

State Rep. by
The Inspector of Police,
F-4, Thousand Lights Police Station,
Chennai.
Crime No.239 of 2025

..Respondent(s)

Prayer: This petition is filed under section 483 of BNSS to enlarge the petitioner on bail in respect of the CC No.1626 of 2025 in Crime No.239 of 2025 on the file of Special Judge, II Additional Special court for Exclusive Trial of Cases Under NDPS Act, Chennai and thus render justice.

For Petitioner(s):	M/S.M.Mubeen
For Respondent(s):	MR.S.YOGARAJA SEKAR, Counsel for Government of Tamil Nadu (CRL.SIDE)

ORDER

The petitioner is an accused in CC No.1626 of 2025 on the file of Special Judge, II Additional Special court for Exclusive Trial of Cases Under NDPS Act, Chennai. The petitioner who was arrested and remanded to judicial custody on 29.07.2025 for the alleged offence under Sections 20(b)(ii)(c) of NDPS Act, 1985 in Crime No.239 of 2026 on the file of the respondent police, seeks bail.

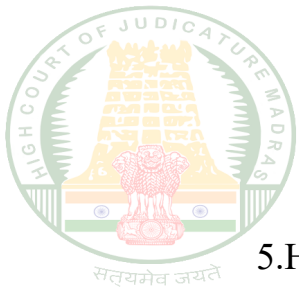


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2. The case of the prosecution that based on the secret information the respondent police went to the place of occurrence on 29.07.2025 and found that the petitioner along with accused were in possession of 20 kgs of ganja. Hence, the case.

3. The learned counsel for the petitioner would submit that 20 kgs is not a commercial quantity and it is an intermediate quantity. He further submitted that as per Section 2 (Viia) of the NDPS Act 20 kgs is an intermediate quantity as if it falls within the quantity specified by the Central Government official Gazettee notification. As per the notification 20 kgs is not a commercial quantity. Therefore, if it is more than 20 kgs then only it is a commercial quantity. To substantiate his contention he relied upon the order passed by this Court in Crl.O.P.No.21772 of 2025 dated 28.01.2025. He would further submit that the petitioner has been in judicial custody since 29.07.2025 and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed for grant of bail.

4.The learned Counsel for Government of Tamil Nadu (Crl side) appearing for the respondent police would submit that totally there are two accused in this case and the petitioner herein arrayed as A2. He would further submit that if the petitioner is released on bail there is a possibility for absconding. Hence he vehemently opposed to grant bail to the petitioner.



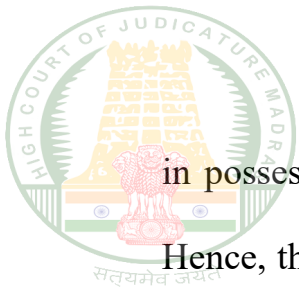
5. Heard, the learned counsel appearing on either side and perused the materials available on record.

6. The provisions under Section 2(viia) defines commercial quantity and the same is extracted hereunder:

“2.(viia) “ Commercial Quantity”. in relation to narcotic drugs and psychotropic substances, means any quantity greater than the quantity specified by the Central Government by notification in the official Gazettee:

2.(xxiia) “ Small Quantity”. in relation to narcotic drugs and psychotropic substances, means any quantity lesser than the quantity specified by the Central Government by notification in the Official Gazettee:”

6. On a perusal of the Central Government Notification it is seen that the Contraband alleged to have seized is 20 kgs which falls within the schedule of NDPS Act. As per the schedule 20 kgs is a commercial quantity. Further the provision in Section 2(viia) defines the meaning of commercial quantity that any quantity greater than the quantity specified by the Central Government is a commercial quantity. Therefore, the contraband which was alleged to have been



in possession by the petitioner cannot be construed as a commercial quantity.

Hence, the provision under Section 37 of the NDPS Act is not applicable to the case on hand.

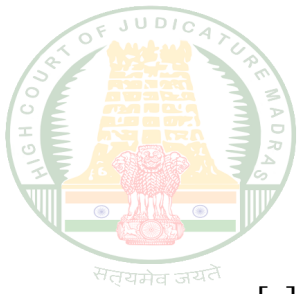
6. Considering the above facts and circumstances of the case and also considering the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) (each) with two blood related sureties, for a like sum to the satisfaction of the learned II Additional Special Court for Exclusive Trial of cases under NDPS Act, Chennai 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 concerned Trial Court at 10.30 a.m. and 05.30 p.m. till the completion of the Trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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[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 of B.N.S.

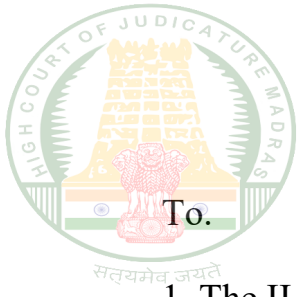
11-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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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.

1. The II Additional Special Court for Exclusive Trial
of cases under NDPS Act, Chennai

2. The Inspector of Police,
F-4, Thousand Lights Police Station,
Chennai.

3. The Superintendent, Central Prison, Puzhal II

4. The Public Prosecutor, High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

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