



WEB COPY

CRL OP No. 11783 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 11783 of 2026

1. Kissan kumar Digal S/o.Babrubahan Digal,
Badikia, Tentuligada,
Kandhamal, Odisha State.
2. Dinanath Nayak S/o.Deveswar Nayak,
Tentuligada, Kandhamal,
Odisha State.

..Petitioner(s)

Vs

The State represented by:

The Inspector of Police,
PEW Dharmapuram Police Station,
Dharmapuram District.
[Cr.No.136 of 2026]

..Respondent(s)

PRAYER: The Criminal Original Petition has been filed under Section 483 of B.N.S.S. praying to enlarge the petitioners on bail in Crime No.136 of 2026 on the file of the respondent Police.

For Petitioner(s): M/s.P.Muthamizh Selvakumar

For Respondent(s): Mr.S.Yogaraja Sekar,
Government Advocate (Criminal side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on



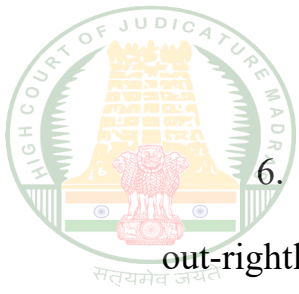
02.04.2026 for the alleged offences under Sections 8(c) read with 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act in Crime No.136 of 2026 on the file of the respondent police, seeks bail.

2. The *case of the prosecution* is that the accused were found in the illegal possession of 10 kgs of Ganja. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioners have been remanded to judicial custody on 02.04.2026 for the conscious possession of 10 kgs of Ganja, which is only an intermediate quantity and hence prays for grant of bail to the petitioner.

4. The above said factum is not seriously disputed by the learned Government Advocate (Criminal side) appearing for the respondent police. However, he would submit that these petitioners are from Odisha region and therefore, if they are released on bail, there is every possibility of absconding by the accused. Therefore, strongly objected the bail application.

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

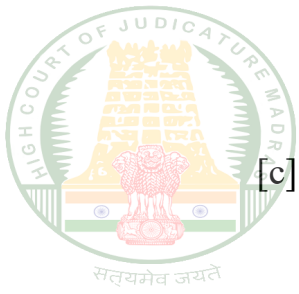


6. Though the contention of the learned Government Advocate cannot be out-rightly rejected, while considering the factual position that this is the case, where an intermediate quantity of 10 kgs of Ganja is involved and however, the petitioners have been under incarceration since 02.04.2026 and hence considering the long incarceration of the petitioners and upon the fact that the quantity of recovery of contraband is only intermediate, this Court is inclined to enlarge the petitioner on bail, subject to the following stringent conditions:

7. Accordingly, the petitioners are ordered to be released on bail on each of them executing a bond for a sum of Rs.25,000/- (Rupees Twenty-five Thousand only) with two sureties each [*one blood surety and one local surety*], for a like sum to the satisfaction of the **learned Additional District Judge, Special Court under EC and NDPS Act cases, Coimbatore** 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] **the petitioners shall sign before the respondent police daily at 10.30 a.m. and 5.30 p.m. until further orders.**



[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners 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 pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions have been imposed and the petitioners 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]:

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

02-06-2026

MJS

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
WEB COPY

1. The Additional District Judge, Special Court under EC and NDPS Act cases, Coimbatore.
2. The Inspector of Police, PEW Dharmapuram Police Station, Dharmapuram District.
3. The Superintendent of Police, Central Prison, Coimbatore.
4. The Public Prosecutor, High Court of Madras.



WEB COPY

CRL OP No. 11783 of 2



C.KUMARAPPAN, J.

MJS

CRL OP No. 11783 of 2026

02-06-2026