



WEB COPY

CRL OP No. 12206 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-05-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

CRL OP No. 12206 of 2026

Magbul Basha M

..Petitioner(s)

Vs

The State Rep by,
The Inspector of Police
S-16 Perumbakkam Police Station,
Chennai District.
(Crime No.102/2026)

..Respondent(s)

Prayer: This Criminal Original Petition is filed under Section 483 of BNSS, 2023, to enlarge the petitioner on bail in Crime No.102 of 2026 pending on the file of the respondent.

For Petitioner(s): Mr.P.Muthamizhselvakumar

For Respondent(s): Mr.R.Vinothraja
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.04.2026 for the offences punishable under Sections 8(c), 20(b)(ii)(B), 29(1) of NDPS Act, in Cr. No.102 of 2026 on the file of the respondent police, seeks bail.



2. The case of the prosecution is that based on the secret information with regard to the illegal selling of contraband, the respondent police conducted search and found the petitioner with illegal possession of 1.200 Kg of Cannabis.

Hence the case.

3. The learned counsel for the petitioner would contend that the respondent police have registered a false case against the petitioner. The petitioner is under judicial custody since 02.04.2026. He further submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that this case has been foisted against the petitioner for statistical purpose. Therefore he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner was found in illegal possession of 1.200 Kg of Cannabis. He further submits that the petitioner has 26 previous cases pending against him. He would also submit that a co-accused has been released on bail. However, he further submits that if the petitioner is released on bail, he may abscond and would commit similar kind of offences in future as well. Hence, he strongly opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record.



6. Considering the rival submissions on either side, nature of offences, though the petitioner has got 26 previous cases pending against him, considering the fact that same are not of similar nature and also considering the fact that a co-accused has been released on bail and that the quantity seized does not fall under the category of commercial quantity and the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate Court-II, **Alandur** and on further conditions that:

[b] the petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders;

[c] the petitioner shall not commit any offence similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to



the Court or to any police officer or tamper with the evidence;

[f] On breach of any of the aforesaid conditions, the learned Judicial 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

13-05-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

TSG

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 Inspector of Police
S-16 Perumbakkam Police Station,
Chennai District.
(Crime No.102/2026)
2. The Judicial Magistrate Court-II,
Alandur.
3. The Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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