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CRL OP No. 12787 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 12-06-2026**

CORAM

**THE HON'BLE MR.JUSTICE C.KUMARAPPAN**

**CRL OP No. 12787 of 2026**

K.Syed Al Amir

..Petitioner

Vs

State rep. by  
Inspector of Police,  
PEW, Adyar Unit,  
Chennai. Crime No.479 of 2024

..Respondent

**PRAYER :** Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail pending trial in C.C.No.249 of 2025 on the file of II Additional Special Judge for NDPS Act, Chennai.

For Petitioner:

Mr.O.Chembulingam

For Respondent:

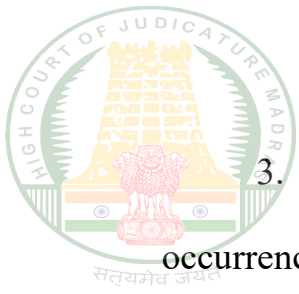
Mr.S.Yogaraja Sekar

Counsel for Government of Tamilnadu  
(Criminal Side)

### **ORDER**

The petitioner, who was arrested and remanded to judicial custody on 08.10.2024 for the alleged offences under Sections 8(c) r/w 20(b)(ii)(B), 22(c), 29(1) and 25 of the NDPS Act, in Crime No.479 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in possession of 34 rose colour MDMA Ecstasy Tablets weighing 15.30 grams. Hence, the case was registered.



3. The learned counsel appearing for the petitioner submitted that the occurrence took place on 08.10.2024 and there are totally five accused in the case. It is further submitted that the other accused have already been released on bail in Crl.O.P.No.19516 of 2025 dated 24.10.2025. According to the learned counsel, even as per the prosecution case, the contraband belongs to A2 to A5 and those accused have already been enlarged on bail. The learned counsel would further submit that the petitioner was only a servant under A3 and has been wrongly implicated in the case. It is also submitted that the petitioner has been in incarceration since 08.10.2024 and therefore seeks parity with the co-accused. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) strongly opposed the bail application and submitted that the entire recovery was effected from the petitioner. It is further submitted that 34 Rose Colour MDMA tablets weighing 15.30 grams, which is commercial quantity, were recovered from him and apart from that, 1.400 grams of ganja was also recovered. The learned Government Advocate (Crl.Side) would further submit that insofar as A2 to A5 are concerned, the recovery from them was either small quantity or different in nature and therefore they stand on a different footing. Hence, the petitioner cannot claim parity with the co-accused. Hence, he opposed to grant bail to the petitioner.



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

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6. From the submission of the learned counsel on either side, this Court is of the view that though the petitioner relies upon the confession statement of A2 and contends that the contraband belongs to the other accused, the fact remains that the recovery effected from the petitioner is 15.30 grams of MDMA, which is commercial quantity. No doubt, there are references that the petitioner was working under A3. However, the main consideration at this stage is the quantity recovered from the petitioner. As rightly contended by the learned Government Advocate (Crl.Side), the petitioner cannot seek parity with the co-accused when the recovery from him is commercial quantity and the recovery from the co-accused is not of similar nature. Therefore, the rigour under Section 37 of the NDPS Act squarely applies and this Court does not find any ground to enlarge the petitioner on bail.

7. Accordingly, this Criminal Original Petition stands dismissed.

**12-06-2026**

NSL

To

1. The Inspector of Police,  
PEW, Adyar Unit, Chennai.

2. The Public Prosecutor, High Court of Madras.



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**C.KUMARAPPAN, J.**

**NSL**

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