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CRL OP No. 14805 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. 14805 of 2026

Nithishkumar

..Petitioner

Vs

State by Inspector of Police,
P-6, Kodungayur Police Station,
Chennai. Crime No.245 of 2026

..Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner on bail in Crime No.245 of 2026 pending on the file of respondent police.

For Petitioner:

Mr.S.Vinith

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 19.04.2026 for the alleged offences under Sections 8(c) r/w 22(b), 29(1) of NDPS Act, in Crime No.245 of 2026 on the file of the respondent police, seeks bail.



2. The case of the prosecution is that on receipt of specific information, the respondent police intercepted the accused persons near the dumping yard weigh bridge and recovered Nitrazepam tablets from their possession. From the petitioner/A1, 240 Nitrazepam tablets were recovered. Hence, the case was registered.

3. The learned counsel appearing for the petitioner submitted that the petitioner is a daily wage worker and has been falsely implicated in the present case. It is further submitted that the petitioner has been in incarceration since 19.04.2026 and the quantity recovered from him falls under intermediate quantity. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner has one previous case. However, it is fairly submitted that the said case is not similar in nature and relates to an IPC offence.

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

6. This Court is of the view that though the petitioner has one previous case, the same is not a similar offence. Further, the quantity involved in the



present case is only intermediate quantity and the petitioner has been in incarceration since 19.04.2026. Taking into consideration the nature of recovery, the period of incarceration and the absence of similar criminal antecedents, this Court is inclined to enlarge the petitioner on bail, subject to certain conditions.

7. 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), with two sureties for a like sum each to the satisfaction of the learned **X Metropolitan Magistrate, Chennai** and subject to the following conditions:

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

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

[d] the petitioner 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 take appropriate action against the petitioner in accordance with law as if the conditions had been imposed and the petitioner released on



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bail by the learned Magistrate/Trial Court itself, as laid down by the Hon'ble Supreme Court in *P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]*;

[f] if the petitioner thereafter abscond, a fresh FIR may be registered under Section 269 of the Bharatiya Nyaya Sanhita, 2023.

8. It is made clear that no petition seeking relaxation of the above conditions shall be entertained within a period of sixty (60) days from the date of release of the petitioner.

12-06-2026

NSL

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 learned X Metropolitan Magistrate, Chennai.
2. Central Prison, Puzhal II.
3. The Inspector of Police, P-6, Kodungayur Police Station, Chennai.
4. The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN, J.

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