



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-07-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 16911 of 2026

Tushar S.K
C/o. Jentu S.K.,
Atroshia Bil Borakpara,
Murshidabad,
West Bengal.

..Petitioner(s)

Vs

The State Rep by
The Inspector of Police
J-3, Guindy Police Station,
Chennai.
(Crime No.150 of 2026)

..Respondent(s)

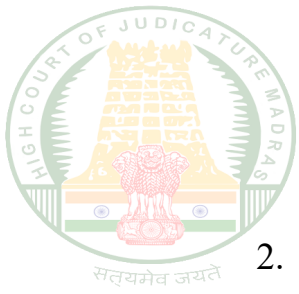
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail pending investigation in Crime No.150 of 2026 on the file of the respondent police and thus render justice.

For Petitioner(s): Mr.O.Chembulingam

For Respondent(s): Mr.S.Yogaraja Sekar,
Counsel for Government of Tamil Nadu
(Criminal Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.05.2026 for an alleged offences under Sections 8 (c) r/w 22(b), 29(1) of NDPS Act, in Crime No.150 of 2026 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that the petitioner along with other accused were found to be in illegal possession of 90 grams of Heroin for sale.

Hence, the case.

3. The learned counsel appearing for the petitioner submitted that there are about three accused and the petitioner is arrayed as A2. He further submitted that the petitioner has been falsely implicated in the present case and that he has not committed any offence as alleged by the prosecution. He further submitted that the co-accused have already been released on bail by this Court in CrI.OP.Nos.15928 of 2026 & 16791 of 2026 dated 25.06.2026 & 02.07.2026 respectively. Hence, he prays for grant of bail to the Petitioner.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the Respondent Police reiterated the prosecution case and submitted that 30 grams of Heroin was recovered from the petitioner and that there are no previous cases pending against him. Hence, he opposed the grant of bail to the Petitioner.

5. I have given my anxious consideration to either side submissions and perused the materials available on record.



6. Considering the facts and circumstances of the case; taking note of the submission made by the learned Government Advocate (Crl.Side), it is seen that the petitioner was remanded in judicial custody since 23.05.2026 and the co-accused/A3 & A1 have already been released on bail on 25.06.2026 & 02.07.2026. Hence, as rightly contended by the learned counsel for the petitioner, the petitioner is entitled to have parity with that of the co-accused. Hence, this Court is inclined to enlarge the petitioner on bail, subject to certain conditions.

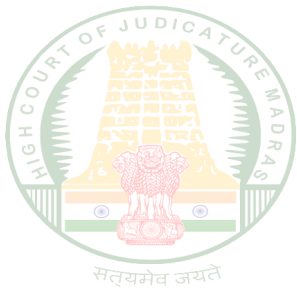
7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties each**, for a like sum to the satisfaction of the **IX Metropolitan Magistrate, Saidapet, Chennai**, and on further conditions that:

[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 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;



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[e] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;

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

03-07-2026

DRL

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 IX Metropolitan Magistrate,
Saidapet, Chennai.

2. The Inspector of Police
J-3, Guindy Police Station,
Chennai.

3.The Superintendent,
Central Prison, Puzhal.

4.The Public Prosecutor,
High Court, Madras.



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C.KUMARAPPAN, J.

DRL

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