WEB COPY

Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL.O.P.No.27025 of 2026

CNR: {HCMA012080682026}

Nithonel Gomango ..Petitioner

Vs

The State Rep By The Inspector of Police,
PEW - Ambattur Police Station,
Chennai.
Cr.No.91 of 2025. ..Respondent

PRAYER: To enlarge bail C.C.No.1142 of 2025 in Crime No.91 of 2025 on the file of the I Additional EC and NDPS Act cases at Chennai and to pass such other order or direction as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.S.Karthikeyan
for Mr.K.Subburaj

For Respondent : Mr.M.M.I.Khaleel,
Government Advocate (Crl.side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on **06.06.2025** for the alleged offences punishable under Sections **8(c), 20(b)(ii)(c), and 29(1) of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985** in Crime No. 91 of 2025 on the file of the respondent police, seeks regular bail.

https://www.mhc.tn.gov.in/judis

WEB COPY

Order QR

2. The case of the prosecution is that on the day of the incident, the respondent police intercepted the petitioner along with other accused persons and recovered a total quantity of 30 kgs of Ganja from their joint possession. Hence, the case.

3. The learned counsel appearing for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that no contraband or recovery was effected from the conscious possession of the present petitioner. He draws the attention of this Court to the order dated **18.08.2026 passed in Crl.O.P.No.15472 of 2026**, whereby the co-accused (A3), from whom a recovery of 10 kgs of Ganja was explicitly alleged, has already been enlarged on bail by this Court. Since the petitioner stands on a better footing with no individual recovery made against him, and considering the period of incarceration since 06.06.2025, the learned counsel prays for the grant of bail on the ground of parity.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police strongly opposes the bail application, stating that the total quantity involved in this case is 30 kgs of Ganja, which falls under the category of commercial quantity, thereby attracting the statutory bar under Section 37 of the NDPS Act. However, he fairly concedes that no independent recovery was

https://www.mhc.tn.gov.in/judis

WEB COPY

made from the petitioner, and that the co-accused (A3) has already been granted bail by this Court.

5. Heard both sides and perused the materials available on record, including the bail order of the co-accused.

6. Considering the facts and circumstances of the case, the fact that no recovery has been effected from the present petitioner, and that the co-accused (A3) has already been enlarged on bail by this Court in Crl.O.P.No.15472 of 2026 vide order dated 18.08.2026, this Court is inclined to grant bail to the petitioner on the principle of parity.

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 learned **I Additional EC & NDPS Act cases at Chennai,** and on further conditions that:

> [a] the sureties shall affix his 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 his identity;

https://www.mhc.tn.gov.in/judis

WEB COPY

Order QR

[b] the petitioner shall appear before the trial court on all working days 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, and shall not maintain any contact with the witnesses to the occurrence, the officials dealing with the case, or any other person who might be connected to the occurrence;

[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.

29.10.2026

kmm

https://www.mhc.tn.gov.in/judis

WEB COPY

Order QR

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 I Additional EC & NDPS Act cases at Chennai.

2. The Superintendent, Central Prison, Puzhal.

3. The Inspector of Police, PEW-Ambattur Police Station, Chennai.

4. The Public Prosecutor,
High Court of Madras.

https://www.mhc.tn.gov.in/judis

WEB COPY

Order QR

N.RAMESH

kmm

CRL.O.P.No.27025 of 2026

29.10.2026

https://www.mhc.tn.gov.in/judis