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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL.O.P.No.28103 of 2026

CNR: {HCMA012233502026}

Ashok Kumar @ Valla

..Petitioner

Vs

State Represented By, The Inspector of Police,
S-1, St. Thomas Mount Police Station, Chennai.
Crime No.222 of 2025

..Respondent

PRAYER: To release the Petitioner on bail in respect in Crime No.222/2025 on the file of the Inspector of Police, S-1, St.Thomas Mount Police Station, and render justice.

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.08.2025 for the alleged offences punishable under Sections 8(c) r/w 20(b)(ii)(C), 25, and 29(1) of the NDPS Act in Crime No.222 of 2025 on the file of the respondent police, seeks the grant of bail.

2. The case of the prosecution is that the petitioner along with other co-accused persons was found in illegal possession of 39.900 Kilograms of Ganja for the purpose of sale, and hence the present case was registered against them.

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3. The learned counsel appearing for the petitioner submits that the petitioner (A2) is entirely innocent and has been falsely implicated in the present case. He forcefully argues that there has been absolutely zero physical recovery of any narcotic contraband from the body, residence, or conscious possession of this petitioner, and no seizure was made at the instance of this petitioner. He points out that the petitioner has been placed in the exact same position as that of the co-accused persons, namely A3 and A4, who have already been enlarged on bail by this Court in Crl.O.P.No.20527 of 2026 dated 15.09.2026. He further submits that the only material connecting the petitioner to the alleged offence is the confession statement of the co-accused recorded by the police, which is entirely inadmissible and cannot be proved against him. Highlighting the long period of incarceration suffered by the petitioner since 14.08.2025, he prays for the benefit of parity and the grant of bail.

4. The learned Government Advocate (Crl.side) appearing for the respondent State opposes the grant of bail on the ground that the total quantity involved is 39.900 Kilograms, which constitutes a commercial quantity. However, he fairly concedes that no physical contraband was recovered from this petitioner, no seizure was effected at his instance, and the co-accused A3 and A4, who are similarly placed with identical allegations, have already been granted bail by this Court.

5. Heard both sides and perused the case diary materials carefully. Considering the facts and circumstances of the case, this Court finds that

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nothing was seized from the petitioner, no seizure was made at his instance, and the sole incriminating material is the co-accused's confession statement, which cannot be proved against him. Consequently, the statutory bar under Section 37 of the NDPS Act is not attracted to the petitioner. Since similarly situated co-accused A3 and A4 have already been enlarged on bail, this Court is inclined to grant bail to the petitioner on the ground of absolute parity, taking into consideration the long period of incarceration from 14.08.2025.

6. 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 **Principal Special Judge for 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;
>
> [b] the petitioner shall report before the Trial Court daily at 10:30 A.M. for a period of two weeks from the date of his release, thereafter on every hearing;
>
> [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

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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.

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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.

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To

1. The Principal Special Judge for NDPS Act Cases at Chennai.

2. The Superintendent, Central Prison, Puzhal II.

3. The Inspector of Police, S-1, St. Thomas Mount Police Station, Chennai.

4. The Public Prosecutor,
High Court of Madras.

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