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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL.O.P.Nos.27496, 27515 & 27517 of 2026

CNR: {HCMA012261832026}

CRL.O.P.No.27496 of 2026

Case QR

Makut Singha

..Petitioner

Vs

State rep. by The Inspector of Police,
D-1, Triplicane Police Station,
Chennai.
Cr.No.56/2026

..Respondent

PRAYER: To enlarge the accused/petitioner on bail pending trial in C.C.No.1131/2026 on the file of I Additional Special Court for NDPS Act, Chennai.

CRL OP No. 27515 of 2026

CNR: {HCMA012262152026}

Tapan Chakma

..Petitioner

Vs

The State Rep by The Inspector of Police,
D-1 Triplicane Police Station, Chennai.
Crime No.56/2026.

..Respondent

PRAYER: To enlarge the accused /petitioner on bail pending trial in C.C.No.1131/2026 on the file of I Additional Special Court for NDPS Act, Chennai.

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CRL OP No. 27517 of 2026

CNR: {HCMA012262342026}

Rabi Chandra Jamatia

..Petitioner

Vs

The State Represented by the Inspector of Police,
D-1 Triplicane Police Station,
Chennai.
Crime No.56/2026.

Case QR

..Respondent

PRAYER: To enlarge the accused/petitioner on bail pending trial in C.C.No.1131 of 2026 on the file of I Additional Special Court for NDPS Act, Chennai.

For Petitioners : Mr.Ma.Gouthaman
for Mr.J.William Shakesphere
(In all Crl.O.Ps.)

For Respondent : Mr.M.M.I.Khaleel,
Government Advocate (Crl.side).
(In all Crl.O.Ps.)

COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 06.02.2026 for the alleged offences punishable under Section 8(c) read with Section 20(b)(ii)(C) and 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985, now pending trial in C.C.No.1131 of 2026 on the file of the learned I Additional Special Judge for Exclusive Trial of Cases under the NDPS Act, Chennai, seek bail in these three Criminal Original Petitions. Since all the three petitions arise out of the same case, they are heard together and disposed of by this common order.

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2. The case of the prosecution is that the respondent police intercepted the three petitioners and seized 10 kg of ganja from each of the petitioners separately under separate seizure mahazars, totalling 30 kg of ganja. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that all the three persons were individually carrying 10 kg of ganja separately, and there was a separate recovery and a separate seizure mahazar in respect of each petitioner. He would contend that there is no common stock, no common container, and no money trail, and apart from the inadmissible confession statements recorded by the police, there is no independent material to show abetment, conspiracy, or joint possession so as to aggregate all the three recoveries together to bring it within commercial quantity. Therefore, each recovery has to be considered independently as an intermediate quantity of 10 kg, whereby the statutory rigours applicable to commercial quantity cases under Section 37 of the NDPS Act would not arise. In support of his contention, the learned counsel relied upon the earlier orders of this Court in **B. Saroj Kumar Patra v. State (Crl.O.P.No.11720 of 2026, order dated 29.07.2026, paragraphs 10 and 12)** and **Crl.O.P.No.24777 of 2026 dated 18.09.2026**. He would further submit that the investigation has been completed, the final

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report has been filed and taken on file as C.C.No.1131 of 2026 on the file of the learned I Additional Special Judge for Exclusive Trial of Cases under the NDPS Act, Chennai, and the case is now posted for questioning on 25.11.2026. Hence, he prays for grant of bail to the petitioners.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent opposed the grant of bail and submitted that the total contraband seized from all the three petitioners comes to 30 kg of ganja, which is a commercial quantity. He would further submit that the very same ground regarding separate recovery of 10 kg each as intermediate quantity was already raised by the petitioners Tapan Chakma and Rabi Chandra Jamatia in their earlier bail petition in **Crl.O.P.No.11905 of 2026**, which was dismissed by this Court on 01.06.2026, and therefore there is no change in circumstances to entertain these petitions. However, he fairly conceded that the investigation is completed, the final report has been taken on file in C.C.No.1131 of 2026, and the case is now posted for questioning on 25.11.2026.

5. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the respondent and perused the materials available on record.

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6. On a careful perusal of the records, it is seen that the three petitioners were found carrying 10 kg of ganja each individually, and the recovery from each petitioner was separate and distinct under separate seizure mahazars. There is no common stock, no common container, and no money trail placed on record by the prosecution. As held by the Hon'ble Supreme Court in **Amarsingh Ramjibhai Barot v. State of Gujarat, (2005) 7 SCC 550**, where persons are found together but each is individually carrying the contraband recovered from him, and there is no independent evidence of abetment, conspiracy, or joint possession, Section 29 of the NDPS Act is not attracted and the quantity seized from one accused cannot be put to the account of another. Further, as laid down by this Court in **B. Saroj Kumar Patra v. State (Crl.O.P.No.11720 of 2026, order dated 29.07.2026)** and reiterated in **Crl.O.P.No.24777 of 2026 dated 18.09.2026**, relying on **Tofan Singh v. State of Tamil Nadu, (2021) 4 SCC 1** and **State by (NCB) Bengaluru v. Pallulabid Ahmad Arimutta, 2022 INSC 26**, where the only material for aggregating separate recoveries is the inadmissible confession statements recorded by police officers, there are no materials to justify the aggregation of all the recoveries together. Even upon applying the scrutiny required under Section 37 of the NDPS Act as laid down in **Union of India v. Mohd. Nawaz Khan, (2021) 10 SCC 100**, there is no material beyond the inadmissible statements to connect one petitioner with the contraband seized from the others.

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7. Consequently, prima facie, each recovery is separate and distinct and has to be treated independently as an intermediate quantity of 10 kg, and the rigours applicable to commercial quantity cases under Section 37 of the NDPS Act would not arise. Whether the prosecution can prove conspiracy or joint possession is a matter for the trial Court to decide on the evidence let in before it. Taking into consideration the separate and distinct recoveries attributed to each petitioner, the completion of investigation, the filing of the final report in C.C.No.1131 of 2026, the fact that the case is now posted for questioning on 25.11.2026, and the prolonged period of incarceration suffered by the petitioners, this Court is satisfied that there are reasonable grounds for believing that the petitioners are not guilty of an offence involving a commercial quantity and are not likely to commit any offence while on bail. Therefore, this Court is inclined to grant bail to the petitioners.

8. Accordingly, the petitioners are ordered to be released on bail on their 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 **I Additional Special Court for NDPS Act, 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

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Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioners shall report before the Trial Court on all working days at 10:30 A.M. until further orders;

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

[d] the petitioners 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 pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions have been imposed and the petitioners 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.

To

1. The Inspector of Police,
   D-1 Triplicane Police Station,
   Chennai.

2. The Additional Special Court for NDPS Act, Chennai.

3. The Superintendent,
   Central Prison II, Puzhal, Chennai.

4. The Public Prosecutor,
   Madras High Court.

CRL.O.P.Nos.27496, 27515 & 27517 of 2026

23.11.2026

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