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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2026

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THE HON'BLE MR.JUSTICE N.RAMESH

CRL.O.P.No.28477 of 2026

CNR: {HCMA012320822026}

Ragul

..Petitioner

Vs

The State Rep. by, The Inspector of Police,
H-3 Tondiarpet Police Station, Chennai.
Crime No.33 of 2026.

..Respondent

PRAYER: To enlarge the Petitioner/A2 on bail in Cr.No.33 of 2026 on the file of the Respondent Police, now pending in C.C.No.1119 of 2026 on the file of the learned I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai, for the alleged offences under sections 8(c), 20(b)(ii)(A), 22(c), 25 and 29(1) of the NDPS Act, 1985 on such terms and conditions as this Court may deem fit and proper and thus render justice.

For Petitioner : Mr.Hemanth Raj T
For Respondent : Mr.M.M.I. Khaleel, Government Advocate

ORDER

This Criminal Original Petition has been filed seeking to enlarge the petitioner on bail in connection with the case pending in C.C.No.1119 of 2026 on the file of the learned I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai, registered in Crime No.33 of 2026 for the offences under Sections 8(c), 20(b)(ii)(A), 22(c), 25 and 29(1) of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985.

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2. The case of the prosecution is that the petitioner, who is arrayed as A2, along with other accused, was found in possession of contraband. Specifically, four MDMA tablets weighing a total of 1.63 grams were allegedly recovered from the petitioner under a separate mahazar. Hence the case.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that the recovery attributed to the petitioner is only 1.63 grams of MDMA, which is far below the commercial quantity of 10 grams, and thus the statutory bar under Section 37 of the NDPS Act does not apply. He underscores that the other co-accused in this case have already been enlarged on bail by this Court under separate mahazars. Specifically, A5 was granted bail in Crl.O.P.No.24777 of 2026 dated 18.09.2026; A6 was granted bail in Crl.O.P.No.23871 of 2026 dated 18.09.2026; A1, A7, and A4 were granted bail in Crl.O.P.Nos.24297, 24177 & 24298 of 2026 dated 21.09.2026; and A3 was granted bail in Crl.O.P.No.27829 of 2026 dated 15.10.2026. On the ground of parity, he prays for grant of bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent State opposes the grant of bail, submitting that the petitioner was caught with synthetic drugs (MDMA). However, he concedes that the recovery effected from this petitioner (A2) under the separate mahazar is 1.63 grams, which is below the commercial quantity, and confirms that the other co-accused have been enlarged on bail by this Court.

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5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent.

6. Considering the facts and circumstances of the case, and taking into note that the recovery attributed to the petitioner is 1.63 grams of MDMA, which is well below the commercial quantity of 10 grams, the strict rigors of Section 37 of the NDPS Act are not attracted. Evaluating the period of custody, the fact that a separate mahazar was prepared for the recovery from this petitioner, and noting that co-accused A1, A3, A4, A5, A6, and A7 have already been granted bail by this Court, this Court is inclined to grant bail to the petitioner on the ground 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 Special Judge under EC & NDPS Act, 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 respondent police daily at 10.30 a.m., until further orders;

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[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.

28.10.2026

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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 I Additional Special Judge under EC & NDPS Act, Chennai.

2. The Superintendent, Central Prison, Puzhal – II.

3. The Inspector of Police, H-3 Tondiarpet Police Station, Chennai.

4. The Public Prosecutor,
High Court of Madras.

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